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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

DOCUMENTS DEPT.

JUL 12 2007

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Tuesday, July 10, 2007 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ED JEW, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Jew	2nd and 4th Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Ed Jew, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll Supervisor was noted absent.

There was a quorum.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Jew, moved to approve the Special Board Meeting Minutes of April 20, 2007. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

070452 **[Minor Sidewalk Encroachments - Public right-of-way occupancy assessment fee]**
Supervisor Alioto-Pier

Ordinance amending Public Works Code Section 723.2 to clarify that the public right-of-way occupancy assessment fee for minor sidewalk encroachments applies to specified building permits and to all subsidewalk basements.

FINALLY PASSED

3 1223 07661 8280

061537 **[Repeal of Planning Commission alternative review process]**
Supervisor Peskin

Ordinance amending Planning Code Section 306 and Administrative Code Sections 2A.53 and 31.04 to repeal provisions that are void by their own terms and concern an alternative review process if the Planning Commission were unable to meet because a majority of its members has not been nominated, approved, and sworn in to office.

FINALLY PASSED

070628 **[Describing the Limits on the Redevelopment Agency's Use of Eminent Domain to Acquire Real Property in Existing Redevelopment Plan Project Areas]**
Mayor, Supervisor Peskin

Ordinance describing the limits in existing redevelopment plans on acquisition of real property by the Redevelopment Agency of the City and County of San Francisco through the use of eminent domain, in compliance with a new requirement of the California Community Redevelopment Law.

FINALLY PASSED

070681 **[Zoning - Pacific Avenue Individual Area Neighborhood Commercial District]**
Supervisor Peskin

Ordinance adding Planning Code Sections 732 et seq. to establish the Pacific Avenue Individual Area Neighborhood Commercial District, as specifically defined herein and generally encompassing the length of Pacific Avenue from Polk Street to Taylor Street; deleting Section 236, the Garment Shop Special Use District; amending the City's Zoning Map Sectional Maps 1, 1H, 2, and 2H to reflect the boundaries of the Pacific Avenue Neighborhood Commercial District, other associated zoning changes, and related changes to height and bulk districts and amending Zoning Map Sectional Map 1 SU to delete the Garment Shop Special Use District; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

070764 **[Changing Official Sidewalk Width - Jessie Street]**
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1574 to change the official sidewalk width on the northerly side of Jessie Street westerly of Ecker Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modifications, or both of facilities affected by the sidewalk width change. (Public Works Department)

FINALLY PASSED

070655 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

RIGHT TURN ONLY ONTO CARTER STREET - ESTABLISH
Walbridge Street, eastbound onto Carter Street

NO TURN ON RED - RESCIND
Geneva Avenue, eastbound, at Carter Avenue and Walbridge Street

ONE-WAY STREET - ESTABLISH
Florentine Street, southbound (uphill), from Mission Street to Brunswick Street

LEFT LANE MUST TURN LEFT - ESTABLISH
Buchanan Street, northbound, at Hermann Street (Parking and Traffic Department)

(5/3/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street. DPW Order No. 3356)

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

070966 **[Adopting findings related to disapproving the categorical exemption issued for 2462 27th Avenue]**

Motion adopting findings related to disapproving the determination by the Planning Department that the 2462 27th Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Board of Supervisors)

Supervisor Jew was previously excused from voting on this matter.

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 1 - Jew

Recommendation of the Public Safety Committee

070721 **[MOU, San Francisco Police Officers' Association (SFPOA)]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (SFPOA), to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

NEW BUSINESS

Recommendations of the Budget and Finance Committee

070773 **[Government Funding for Fiscal Year 2007-2008]**
Mayor

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2008.

(Fiscal Impact.)

Continued to July 17, 2007
Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070774 **[Public Employment for Fiscal Year 2007-2008]**
Mayor

Consolidated Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2008, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Fiscal Impact.)

Continued to July 17, 2007
Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070826 [Redevelopment Agency Budget and Bonds]

Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2007-2008, approving the Issuance by the Redevelopment Agency of Bonds in an aggregate principal amount of not to exceed $125,800,000 to finance a portion of redevelopment activities described in such approved Budget for fiscal year 2007-2008; and approving additional General Fund loans to the Redevelopment Agency in the aggregate amount of $463,000, consisting of a $303,000 loan to complete a potential redevelopment plan for the Visitacion Valley Survey Area and a $160,000 loan for Bayview Hunters Point Survey Area C planning costs. (Redevelopment Agency)

(Fiscal Impact.)
(Supervisor Mirkarimi dissented in committee.)

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070840 [Treasure Island Development Authority Budget]
Mayor

Resolution approving the Budget of the Treasure Island Development Authority for fiscal year 2007-2008.

(Fiscal Impact.)

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070739 [Accept-Expend Federal Grant - Department of Economic and Workforce Development]
Supervisor Mirkarimi

Ordinance authorizing the Department of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $200,000 in FY 2006-07 from the Private Industry Council of San Francisco, Inc. for workforce development administration, contracting, and data management, and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070740 **[Accept-Expend Federal Grant - Department of Economic and Workforce Development]**
Supervisor Mirkarimi

Ordinance authorizing the Department of Economic and Workforce Development to accept and expend a grant in the amount of $5,765,890 in FY 2007-2008 from the California Employment Development Department for workforce development, and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070808 **[Increasing fees for certain services provided by the Medical Examiner]**
Mayor

Ordinance amending San Francisco Administrative Code Section 8.14, by raising the fees for removal of remains, cremation services, and making environmental findings.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070809 **[San Francisco Administrative Code - First Offender Prostitution Program Fee]**
Mayor

Ordinance amending Ordinance No. 289-98 (Sec. 10.193-1 of the Administrative Code of the City and County of San Francisco) establishing the First Offender Prostitution Program Fee, to remove reference to Penal Code Section 647(b), to allow the Office of the District Attorney to send all eligible prostitution-related offenders to the department's First Offender Prostitution Program (FOPP) diversion class.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070810 **[Patient Rates - Public Health]**
Mayor

Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2007.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070811 **[Public Works Code - Fees for various permits]**
Mayor

Ordinance amending Public Works Code Sections 2.1.1, 2.1.2, and 724.1 to update and codify various permit fees, including permits for café tables and chairs, commemorative plaques, debris boxes, driveways, minor sidewalk encroachments, pipe barriers, sidewalks, street encroachments, street improvements, temporary street space occupancy; and making environmental findings.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070812 **[Amending Subsections of Section 106 of the San Francisco Fire Code to increase fees for certain Fire Department services and permits]**
Mayor

Ordinance making environmental findings and amending Sections 106.2, 106.3, 106.7, 106.8, 106.9, 106.10, 106.11, 106.15, 106.17 and Tables 106-B and 106-C of the San Francisco Fire Code to increase fees for certain Fire Department services and permits, to become operative on its effective date or on July 1, 2007, whichever is later.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070813 **[Amending Sections of the San Francisco Business and Tax Regulations Code to increase certain Fire Department licensing fees]**
Mayor

Ordinance making environmental findings, amending Sections 90, 93, 93.1, 94, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246 and 247 of the San Francisco Business and Tax Regulations Code to increase licensing fees for certain permits issued by the Fire Department, and repealing Section 242.1 of the San Francisco Business and Tax Regulations Code, to become operative on its effective date or on July 1, 2007, whichever is later.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070815 **[Recreation and Park Department - Athletic Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.36, to revise the fee schedule for use of athletic fields.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070816 **[Recreation and Park Department - Harding Park Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.12, to revise the time for super twilight play, to establish fees for shotgun tournaments, and to authorize the Recreation and Park Commission to approve special promotions not to exceed a 20% discount of the applicable rate.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070817 **[Recreation and Park Department - Clubhouse Rental Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.21, to increase the fees for renting clubhouses in San Francisco parks.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070818 **[Recreation and Park Department - Junior Golf Tournament Fees]**
Mayor

Ordinance making environmental findings and adding San Francisco Park Code, Article 12, Section 12.43, to establish fees for Junior and Family golf tournaments.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070819 **[Recreation and Park Department - Program Fees]**
Mayor

Ordinance making environmental findings and adding San Francisco Park Code, Article 12, Section 12.44, to establish a fee structure for recreational programs, subject to the review and approval of the Recreation and Park Commission.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070820 **[Recreation & Park Department - Reservation Administrative Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by adding Section 12.45 to establish administrative fees.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070821 **[Recreation & Park Department - Change to Resident Golf Card Fee]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.32, to increase the annual fee for San Francisco Resident Golf Cards from $40.00 to $45.00 and imposing administrative fees.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070822 **[Recreation and Park Department - Wedding Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.07, to increase the fees for holding weddings in San Francisco parks.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070823 **[Retiree Health Benefits Fund]**
Mayor, Supervisor Elsbernd

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-275, to create a Retiree Health Benefits Fund. (Mayor)

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070849 **[Establishing the HOPE SF Fund and provide for appropriations to the Fund]**
Mayor, Supervisor Maxwell

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-370, to: establish the HOPE SF Fund; direct the City to appropriate $5,000,000 to the Fund for FY 2007-2008 and set City policy regarding future appropriations to the Fund; identify the permitted uses of moneys so deposited; and, set forth provisions for the administration of such fund.

(Fiscal Impact.)

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070702 **[Second Amendment to Catholic Charities Sublease of Housing Units on Treasure Island]**

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute a second amendment to the sublease with Catholic Charities to increase utility rates. (Treasure Island Development Authority)

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070703 **[Second Amendment to Community Housing Partnership Sublease of Housing Units on Treasure Island]**

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute a second amendment to the sublease with Community Housing Partnership to add 42 residential units to the premises, to increase the common area maintenance charge and to increase utility rates. (Treasure Island Development Authority)

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070704 **[First Amendment to Haight Ashbury Free Clinics Sublease of Housing Units on Treasure Island]**

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute a first amendment to the sublease with Haight Ashbury Free Clinics to increase utility rates. (Treasure Island Development Authority)

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070705 **[First Amendment to Rubicon Programs Sublease of Housing Units on Treasure Island]**

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute a first amendment to the sublease with Rubicon Programs to increase utility rates. (Treasure Island Development Authority)

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070706 **[First Amendment to Swords to Plowshares Sublease of Housing Units on Treasure Island]**

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute a first amendment to the sublease with Swords to Plowshares to increase utility rates. (Treasure Island Development Authority)

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070707 **[Second Amendment to Walden House Sublease of Housing Units on Treasure Island]**

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute a second amendment to the sublease with Walden House to add 12 residential units to the premises, to increase the common area maintenance charge and to increase utility rates. (Treasure Island Development Authority)

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070824 [Approval of FY07-08 Expenditure Plan for the Human Services Care Fund]
Mayor

Resolution approving the FY07-08 Expenditure Plan for the Human Services Care Fund.

(Fiscal Impact.)

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070888 [Jurisdictional transfer of property from DPW to HSA]
Mayor

Resolution transferring jurisdiction of certain real property located at 1 Cashmere Street (Assessors Block 4720, Lot 7; the Sojourner Truth Child Care Center), 200 Cashmere Street (Assessors Block 4710, Lot 6; the MLK Nursery School), 100 Whitney Young Circle (Assessors Block 4711, Lot 6; the Earl P. Mills Community Center), and 1030 Oakdale Avenue (Assessors Block 4714, Lot 7; the Captain William Sorey Nursery School), from the Department of Public Works to the Human Services Agency.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070827 [Disbursements from Budget Savings Fund]
Mayor

Resolution approving disbursements from the Budget Savings Incentive Fund.

(Fiscal Impact.)

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070885 [Proposition J Contract/Certification of specified contracted-out services for Department of Elections]
Mayor

Resolution concurring with the Controller's certification that services can be performed by private contractor for a lower cost than similar work performed by City and County employees for absentee voter ballot distribution services for Department of Elections.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From Budget and Finance Committee Without Recommendation

070887 **[Proposition J Contract/Certification of specified contracted-out services for Recreation and Park]**
Mayor

Resolution concurring with the Controller's certification that services can be performed by private contractor for a lower cost than similar work performed by City and County employees for golf course maintenance services at the Department of Recreation and Parks.

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

070657 **[Repealing expired and superceded provision establishing Heavy Truck Loading Zones]**

Ordinance amending the San Francisco Traffic Code by repealing expired Section 33.3.1 establishing heavy truck loading zones, and making a conforming change to Section 132 to eliminate the penalty for violating Section 33.3.1. (Municipal Transportation Agency)

Supervisor McGoldrick requested to be added as sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070658 **[Eliminating obsolete peddler permitting program that expired in 1989]**

Ordinance amending the San Francisco Traffic Code by amending Section 68 to remove obsolete references to Traffic Zone No. 1 and an expired permitting program for peddlers. (Municipal Transportation Agency)

Supervisor McGoldrick requested to be added as sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070659 **[Establishing restrictions on trucks and buses on portions of Broderick, Ellis, and Eddy Streets and St. Joseph's Avenue]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Police Code by adding Sections 1183.37 through 1183.40 and amending the San Francisco Traffic Code by adding Sections 28.1.171 through 28.1.174 to establish bus and vehicle weight restrictions on portions of Broderick Street, St. Joseph's Avenue, Eddy Street and Ellis Street. (Municipal Transportation Agency)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070656 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Market Street, north side, from 64 feet to 143 feet west of Castro Street (a 79-foot zone);
Mason Street, west side, from Jefferson Street to 40 feet southerly (removes two parking meter spaces to accommodate buses turning left onto Mason Street); and,
Geneva Avenue, south side, from Carter Street to 100 feet westerly.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Minnesota Street side of 1415 Indiana Street, from 2 feet to 9 feet north of the Minnesota Street driveway for 1415 Indiana Street (accommodating two unmetered motorcycle parking spaces).

RESIDENTIAL PERMIT PARKING AREA "H" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Beachmont Drive, both sides, between Sloat Boulevard and Lagunitas Drive (unit block).

RESIDENTIAL PERMIT PARKING AREA "R" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Grove Street, both sides, between Buchanan and Webster Streets (700 block).

DIAGONAL (60-DEGREE ANGLE) PARKING - ESTABLISH
Stanyan Street, east side, from Fulton Street to McAllister Street (legalizing existing conditions) (Parking and Traffic Department)

(5/3/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street. DPW Order No. 3356)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070742 **[Traffic Regulation]**

Supervisor Maxwell

Resolution enacting temporary "Street Closed to Vehicular Traffic" regulation on Mendell Street between Palou Avenue and 70 linear feet southwest of Oakdale Avenue from 6:30 A.M. to 3:30 P.M. on every Wednesday from May 23, 2007 through December 30, 2009.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Board of Supervisors Sitting as a Committee of the Whole

070270 **[Charter Amendment - Limiting hold-over service by members of City boards and commissions]**
Supervisors McGoldrick, Ammiano

Charter amendment (First Draft) to add Section 4.101.5 to limit hold-over service by members of City boards and commissions whose terms have expired.

ORDERED SUBMITTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Jew

070677 **[Charter Amendment - Requiring the Mayor or four or more members of the Board of Supervisors proposing to submit an initiative to the voters to submit the measure to the Board of Supervisors first for public hearing]**
Supervisors Elsbernd, Peskin, McGoldrick, Alioto-Pier, Maxwell

Charter amendment (First Draft) to amend Sections 2.113 and 3.100 to require the Mayor or four or more members of the Board of Supervisors proposing to submit an initiative to the voters to submit the measure to the Board of Supervisors first for a public hearing.

ORDERED SUBMITTED by the following vote:
Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin
Noes: 4 - Ammiano, Daly, Mirkarimi, Sandoval

070939 **[Charter Amendment - Prior Board review of initiatives submitted by the Mayor or four or more members of the Board of Supervisors; limiting hold-over service by members of City boards and commissions]**
Supervisors Elsbernd, McGoldrick, Ammiano, Peskin, Alioto-Pier, Maxwell

Charter amendment (First Draft) to amend Sections 2.113 and 3.100 to require the Mayor or four or more members of the Board of Supervisors proposing to submit an initiative to the voters to submit the measure to the Board of Supervisors first for a public hearing, and to add Section 4.101.5 to limit hold-over service by members of City boards and commissions whose terms have expired.

The President inquired as to whether or any member of the public wished to address the Board members. There were none.
The President declared the public hearing closed.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Charter Amendment be TABLED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Sandoval, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Sandoval introduced, welcomed and presented a Certificate of Honor to Rising Immigrant Scholars through Education.

SPECIAL ORDER 3:30 P.M.

070876 [Public Hearing - Appeal of Tentative Parcel Map for 4344 17th Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated May 30, 2007 (Case No. 2007.0013S), disapproving a proposed Tentative Parcel Map for a 3 lot subdivision located at 4344 17th Street, Lot 054, in Assessor's Block No. 2646. (Appellant: Sia Tahbozof, SST Investments)

(Filed June 11, 2007; companion measure to Files 070876, 070877, 070878, 070879; District 8.)

Appellant: Sia Tahbozof
Bruce Storrs, Department of Public Works, County Surveyor reviewed the Department's recommendation with the Board members.
AnMarie Rodgers; Planning Department reviewed with the Board members the Department's recommendation.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Parcel Map described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

070877 [Approving decision of the Director of Public Works and disapproving the Tentative Parcel Map for 4344 17th Street]

Motion approving the decision of the Director of Public Works and disapproving the Tentative Parcel Map for a 3-lot subdivision located at 4344 17th Street, Lot 054 in Assessor's Block 2646.

Supervisor Dufty, seconded by Supervisor McGoldrick, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070878 **[Disapproving decision of the Director of Public Works and approving the Tentative Parcel Map for 4344 17th Street]**

Motion disapproving the decision of the Director of Public Works for a 3-lot subdivision located at 4344 17th Street, Lot 054 in Assessor's Block 2646; reversing the decision of the Planning Department; finding the tentative map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the subdivision.

Supervisor Dufty, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070879 **[Preparation of findings related to the appeal of the Tentative Parcel Map for 4344 17th Street]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Parcel Map for a 3-lot subdivision located at 4344 17th Street, Lot 054 in Assessor's Block 2646.

Supervisor Dufty, seconded by Supervisor McGoldrick, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recess

The Board recessed at the hour of 3:46 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:06 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin, Sandoval - 10

Supervisor McGoldrick was noted present at 4:50 p.m.

SPECIAL ORDER 4:00 P.M.

Supervisor Sandoval was noted absent at 4:43 p.m.

070789 **[Public Hearing - Appeal of Categorical Exemption for 1135-1139 Green Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 10, 2007, Case No. 2005.0842E, (Building Permit Application No. 2005.06.16.5311), exempting from environmental review under Categorical Exemption Class 1 [State Guidelines, Section 15301(e)]. The proposal would add a new basement and construct an underground parking garage for five vehicles. The 3,000-square foot (sq ft) basement storage area would extend approximately nine feet below three existing townhome structures constructed in 1908 and listed on the Here Today historic register; the approximately 3,000-sq ft garage, would extend about 18-1/2 feet below grade. The project would require breaching and excavating behind a large retaining wall on Green Street to allow for the removal of 2,400 cubic yards of soil. Access to the garage would be through a 9-foot by 10-foot wooden roll-up garage door on Green Street. The site is on a rectangular parcel of 5,275 sq ft within the block (Assessor's Block 0125; Lots 115, 116, 117). The project site, located in the Russian Hill neighborhood, is zoned RH-3 (Residential, House-Three Family) and is within a 40-X Height and Bulk District. (Appellant: Jamie Cherry on behalf of the Russian Hill Community Association)

(Filed May 30, 2007; companion measure to 070790, 070791, 070792; District 3.)

Joseph Butler, Representative for the appellant
Elizabeth Wright; support of the appellant
Richard Lerner; support of appellant
Kathleen Courtney; support of appellant
William Kostura; support of appellant
Female speaker; support of appellant
Priscilla Wadswroth; support of appellant
Sylvia Johnson; support of appellant
John Bardis; support of appellant

Bill Wycko, Jeremy Batis and Adam Light, Planning Department representatives reviewed with the Board members the Department's recommendation.

Brett Gladstone, Representative for the project sponsor
Russ Naylor, Architect; support of the project sponsor
Bob Mahoney; support of the project sponsor
Hadie Yip; support of project sponsor
Chris Johnson; support of project sponsor
Pat Buskavich; support of project sponsor
Jay Turnbull; support of project sponsor
Larry Holmberg; support of project sponsor
Penelope Clark; support of project sponsor
Lynn Jefferson: support of project sponsor
Katie Lewis;support of project sponsor
Carol Ann Rogers; support of project sponsor
Female speaker; support of project sponsor (read a letter in support) of project sponsor)
BJ Holmberg; support of project (read a letter in support of project sponsor)
Taylor Glassmore; support project sponsor
Al Geenly; support of project sponsor
Rias; support of project sponsor
Naomi Blass; support of project sponsor (read a letter in support of project sponsor)
Steve Kendrick; support of project sponsor
Leslie Rule; support of project sponsor

Rebuttal Period:
Joseph Butler; Representative for the appellant
The President declared the public hearing closed.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

070790 **[Affirming the categorical exemption issued for the 1135-1139 Green Street Project]**

Motion affirming the determination by the Planning Department that the 1135-1139 Green Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Ammiano, Daly
Absent: 1 - Sandoval

070791 **[Disapproving the categorical exemption issued for the 1135-1139 Green Street Project]**

Motion disapproving the determination by the Planning Department that the 1135-1139 Green Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Ammiano, Daly
Absent: 1 - Sandoval

070792 **[Preparation of findings related to the appeal of the categorical exemption for the 1135-1139 Green Street Project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1135-1139 Green Street Project is exempt from environmental review under the California Environmental Quality Act.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Ammiano, Daly
Absent: 1 - Sandoval

SPECIAL ORDER 4:30 P.M.

070800 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review - Citywide Wireless Broadband Internet Access Network Ordinance]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 20, 2007, Case No. 2007.0097E, exempting from environmental review under Categorical Exemption [State CEQA Guidelines, Sections 15301(b), 15303(d), & 15303(e); Class Numbers 1 and 3], the proposed project is an ordinance proposed by the Mayor (Board File No. 070077) that would approve one or more agreements (hereafter "the Agreement") between EarthLink, Inc. and the City and County of San Francisco. The Agreement would permit EarthLink to manage, operate, and install within the City rights-of-way a citywide wireless broadband internet access network that would provide free or affordable internet access for San Francisco residents, workers, and visitors. The project would involve installation within the City rights-of-way of a communications system consisting of two types of above-ground equipment: transmitters and backhaul devices. The Agreement does not specify proposed locations for the communications equipment, and EarthLink has not yet selected such locations. (Appellant: Jeff Hoffman, on behalf of the San Francisco Neighborhood Antenna Free Union (SNAFU).)

(Filed May 30, 2007; companion measure to Files 070801, 070802, 070803.)

Continued to July 24, 2007

Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

070801 **[Affirming the categorical exemption issued for the Citywide Wireless Broadband Internet Access Network Ordinance]**

Motion affirming the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to July 24, 2007

Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

070802 **[Disapproving the categorical exemption issued for the Citywide Wireless Broadband Internet Access Network Ordinance]**

Motion disapproving the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to July 24, 2007

Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

070803 **[Preparation of findings related to the appeal of the categorical exemption for the Citywide Wireless Broadband Internet Access Network Ordinance]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is exempt from environmental review under the California Environmental Quality Act.

Continued to July 24, 2007

Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

COMMITTEE REPORTS

070724 **[Charter Amendment - San Francisco Affordable Housing Fund]**

Charter amendment (First Draft) to add Section 16.127 to appropriate funds for affordable housing programs.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Continued to July 17, 2007 with the Board Sitting as a Committee of the Whole

Supervisor Ammiano requested to be added as a co-sponsor.

Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070726 **[Charter Amendment - Requiring the Mayor to appear personally at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board]**
Supervisor Daly

Charter amendment (First Draft) to amend Sections 2.103 and 3.100 to require the Mayor to appear personally at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board and to authorize the Board to adopt rules and guidelines.

Continued to July 17, 2007

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070727 **[Charter Amendment - MTA budget to be accountable to Mayor and Board of Supervisors; shared jurisdiction; compliance with voter-approved ordinances; Controller to administer MTA quality review]**
Supervisors McGoldrick, Sandoval

Charter amendment (First Draft) to amend Sections 8A.102, 8A.106, and 8A.107, to provide that: the Municipal Transportation Agency's budget shall be subject to the City's normal budget process; the Municipal Transportation Agency shall be subject to regulation by the Board of Supervisors; the Municipal Transportation Agency must comply with voter-approved ordinances; and, the Controller, rather than the Agency, shall administer the biennial municipal transportation quality review survey and study.

Continued to July 17, 2007

Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070938 **[Charter Amendment - To provide retirement benefits for police department employees who were also airport police officers prior to December 27, 1997, as if they had been members of the police department during their service as airport police officers]**
Supervisor McGoldrick

Charter amendment (Second Draft) to amend Sections A8.506-2 and A8.597-11(a) to authorize the Board of Supervisors to amend a contract with the Public Employees Retirement System in order to transfer to the San Francisco Employees' Retirement System the assets and liabilities of certain airport police officers, and by adding Section A8.597-10(d) to include time worked as an airport police officer in the calculation for retirement benefits for police department employees.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Charter Amendment be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Continued to July 17, 2007 with the Board Sitting as a Committee of the Whole

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070730 **[Charter Amendment - Renewal of Library Preservation Fund for fifteen-year term and authorization to issue debt for Library purposes secured by and/or repaid from the Fund]**
Supervisors Peskin, Maxwell, Elsbernd, Alioto-Pier, Mirkarimi, McGoldrick, Dufty, Ammiano

Charter amendment (Second Draft) to repeal the existing Section 16.109 and to add a new Section 16.109, to renew the Library Preservation Fund for fifteen years and to authorize the City and County of San Francisco to issue debt for Library purposes secured by and/or repaid from the Fund.

Continued to July 17, 2007

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070731 [Charter Amendment - Emissions Reduction and Transit Reform]
Supervisor Peskin

Charter amendment (First Draft) to amend Sections 8A.101 through 8A.106, 8A.108 through 8A.110, 8A.112 through 8A.113, 9.118, and A8.404, repealing Section 16.110; and by re-numbering Sections 16.100 and 16.102 as 8A.114 and 8A.115, respectively, all to increase the efficiency, effectiveness and autonomy of the Municipal Transportation Agency.

Continued to July 17, 2007

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070846 [Traffic Regulation for Marina Farmers' Market]
Supervisor Alioto-Pier

Resolution enacting temporary "Street Closed to Vehicular Traffic" regulation on Steiner Street between Lombard and Chestnut Streets from 10:00 a.m. to 5:15 p.m. on every Tuesday between July 17, 2007 through October 30, 2007.

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Jew

070464 [Accept and Expend Federal Funds - Fiscal Year 2006 Lead Hazard Reduction Demonstration Grant Program]
Supervisors Maxwell, Peskin, Mirkarimi, Ammiano, Dufty

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed $3,350,000, which includes controller's costs of $33,500

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070918 [Installing traffic island at Market Street and Octavia Boulevard, Central Freeway on-ramp]
Supervisors Dufty, Mirkarimi, Daly

Resolution approving a trial of up to six months to install a traffic island at the eastbound approach of Market Street and Octavia Boulevard (Central Freeway on-ramp) to reinforce the No Right Turn regulation.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 1 - Peskin

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the homeless
James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared with the Board memorabilia
Eugene F. Gordon, Jr.; expressed concern with human rights conditions
Female speaker; expressed concern with issues to street conditions
Male speaker; expressed concern with issues with Senator Feinstein remarks and issues with Golden Gate Park
John Di Donna; expressed concern with issues of suicides from the Golden Gate Bridge
Richard DuPree; expressed concern with issues of Sigmond Grove and his original design
Richard McCloskey; expressed concern with issues of Sigmond Grove and his original design
Female speaker; expressed concern with issues relating to possible budget cuts at SFGH
Leo Tang; showed interest in the Youth Works and employing more youths in Supervisor's Offices
Slyvia Johnson; expressed concern with issues relating to homelessness and the environment
Male Speaker; expressed concern with issues relating to the budget of San Francisco
Espanola Jackson; expressed concern with issues relating to the environmental conditions in the Bayview Hunter's Point
Peter Warfield; expressed concern with issues relating to the SF Public Library

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

070945 **[Legislative Analyst Request - Elected official's code of conduct]**
Supervisor McGoldrick

Motion requesting the Legislative Analyst to look into best practices on elected official's code of conduct.

(No Economic Impact)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

070952 **[Urging regulation of the left-turn lane from Fell Street onto Masonic Avenue in order to increase the safety of bicyclists and pedestrians]**
Supervisor Mirkarimi

Resolutions urging the Municipal Transportation Agency create a traffic signal phase solely for bicycle and pedestrian traffic crossing Masonic Avenue and a separate left-turn signal for motorists turning left from Fell Street onto Masonic Avenue.

(No Economic Impact)

ADOPTED

070953 **[Supporting AB 508 to amend the State Welfare and Institutions Code]**
Supervisor Mirkarimi

Resolution in support of Assembly Bill 508, which would amend Section 18901.3 of the State Welfare and Institutions Code in order to fully repeal the ban on drug felons' eligibility to receive Food Stamps.

(No Economic Impact)

ADOPTED

070954 **[Miles For Peace- Cyclists Traversing the World for a Cause]**
Supervisor Mirkarimi

Resolution commending Miles For Peace for advocating the pacifist message of Iranian people to other nations around the world through the creative use of a European and North American bike ride between the dates of May 10th, 2007 and July 11th, 2007.

(No Economic Impact)

ADOPTED

070956 **[Issuance and Sale of Revenue Bonds - Schools of the Sacred Heart]**
Supervisor Sandoval

Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $33,000,000 to finance educational projects owned and operated by the Schools of Sacred Heart – San Francisco.

(No Economic Impact)

ADOPTED

070957 **[Urging the California State Legislature to oppose Assembly Bill 830]**
Supervisor McGoldrick

Resolution urging the California State Legislature to oppose Assembly Bill 830 which would allow for the continued degradation of our public spaces through the conversion of existing billboards along California's landscaped highways to a digital format.

(No Economic Impact)

ADOPTED

070958 **[Competitive bidding of City contracts for Property Management and Supportive Housing]**
Supervisors Peskin, Ammiano, Mirkarimi, McGoldrick

Resolution calling on the Department of Public Health to issue a Request for Proposal for Property Management and Supportive Housing services.

(No Economic Impact)

ADOPTED

070963 **[Directing City staff to report on actions to restrict Bisphenol-A in children's products]**
Supervisor Alioto-Pier

Resolution directing San Francisco's Department of Public Health and Department of the Environment to submit a report with recommendations on potential actions that can be adopted to address risks to public health from exposure to Bisphenol-A and to base that report on the findings of a National Toxicology Program report along with the concerns of interested parties including representatives of the scientific and children's health communities.

(No Economic Impact)

ADOPTED

070989 **[Supporting the weeklong student fast advocating for immigration reform]**
Supervisor Sandoval

Resolution supporting the weeklong student fast advocating for immigration reform that includes the DREAM Act.

ADOPTED

070948 **[Final Map - 74 New Montgomery Street]**

Motion approving Final Map 3551, a 110 Unit Mixed-Use Condominium Project, located at 74 New Montgomery Street being a subdivision of Lot 033 in Assessors Block No. 3707 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,884; District 6.)

APPROVED

070949 **[Final Map - 1218 Leavenworth Street]**

Motion approving Final Map 3997, a 7 Unit Residential Condominium Project, located at 1218 Leavenworth Street being a subdivision of Lot 023A in Assessors Block No. 0220 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,916; District 3.)

APPROVED

070950 **[Final Map - 1350 Natoma Street]**

Motion approving Final Map 4262, a 8 Unit Residential Condominium Project, located at 1350 Natoma Street being a subdivision of Lot 089 in Assessors Block No. 3548 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,905; District 6.)

APPROVED

070951 **[Final Map - 988 Market Street]**

Motion approving Final Map 3777, a 34 Unit Commercial Condominium Project, located at 988 Market Street being a subdivision of Lot 007 in Assessors Block No. 0342 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,904; District 6.)

APPROVED

070960 **[Final Map - 33 Clementina Street]**

Motion approving Final Map 3615, a 6 Unit Residential Condominium Project, located at 33 Clementina Street being a subdivision of Lot 157 in Assessors Block No. 3736 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,915; District 6.)

APPROVED

070965 **[Final Map - 750 Van Ness Avenue and 650 Turk Street]**

Motion approving Final Map 3645, a 132 Unit Mixed-Use Condominium Project, located at 750 Van Ness Avenue and 650 Turk Street being a subdivision of Lot 028 in Assessors Block No. 0742 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,914; District 6.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From the Without Reference to Committee Agenda

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

070955 **[Declaring July 22, 2007 as San Francisco Theater Day in San Francisco]**
Supervisor Alioto-Pier

Resolution declaring Saturday, July 22, 2007 as San Francisco Theatre Day.

(No Economic Impact)

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Resolution declaring Saturday, July 22, 2007 as San Francisco Theater Day.

ADOPTED AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

070976 **[Settlement of Lawsuit - Edwin Macon, Sr.]**
Ordinance authorizing settlement of the lawsuit filed by Edwin Macon, Sr. against the City and County of San Francisco for $225,000; the lawsuit was filed on August 14, 2006 in United States District Court, Northern District of California, Case No. C06-4904 SI; entitled Edwin Macon, Sr., et al., v. City and County of San Francisco, et al. (City Attorney)
6/26/07, RECEIVED AND ASSIGNED to Rules Committee.

070977 **[Settlement of Lawsuit - Pacific Bell Telephone Company]**
Ordinance authorizing settlement of the lawsuit filed by Pacific Bell Telephone Company against the City and County of San Francisco for $52,500.00; the lawsuit was filed on March 16, 2006 in San Francisco County Superior Court, Case No. 450-385; entitled Pacific Bell Telephone Company v. City and County of San Francisco, et al; there are no other material terms of said settlement. (City Attorney)
6/26/07, RECEIVED AND ASSIGNED to Rules Committee.

070978 **[Settlement of Lawsuit - Nawal Rizkallah]**
Ordinance authorizing settlement of the lawsuit filed by Nawal Rizkallah against the City and County of San Francisco for $100,000; the lawsuit was filed on April 3, 2006 in San Mateo Superior Court, Case No. 453874; entitled Nawal Rizkallah v. City and County of San Francisco, et al. (City Attorney)
6/26/07, RECEIVED AND ASSIGNED to Rules Committee.

070979 **[Settlement of Lawsuit - Ophelia Alvarez]**

Ordinance authorizing settlement of the lawsuit filed by Ophelia Alvarez against the City and County of San Francisco for $117,500; the lawsuit was filed on November 7, 2005 in San Francisco Superior Court, Case No. 446448; entitled Alvarez, et al., v. City and County of San Francisco, et al. (City Attorney)

6/26/07, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

070972 **[Authorizing Donation of Obsolete Fire Engine and Ambulance to San Francisco City College]**

Resolution authorizing Fire Department to donate an obsolete fire engine and ambulance to the Fire Sciences Program at San Francisco City College. (Fire Department)

6/19/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

070973 **[Contract to fund a drug research study]**

Resolution authorizing the San Francisco Department of Public Health (DPH) to enter retroactively into a new subcontract from the Public Health Foundation Enterprises, Inc. (PHFE) in the amount of $95,851 to fund a drug research study; for the period of March 1, 2007 through May 31, 2008. (Public Health Department)

6/22/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

070974 **[Contract funds to support HIV vaccine and prevention research]**

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to enter retroactively into a new subcontract from the Public Health Foundation Enterprises, Inc. (PHFE) to support the research of the San Francisco Vaccine and Prevention Unit (SFVPU) in the amount of $162,376; for the period of January 1, 2007 through September 30, 2007. (Public Health Department)

6/22/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Supervisor Dufty requested to be added as sponsor.

070975 **[Recurring FY 2007-2008 State grant funds to the Department of Public Health from the California Department of Health Services]**

Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health (DPH) for FY 2007-2008. (Public Health Department)

6/22/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

070980 **[Accept-Expend Federal Grant - Airport Commission]**

Resolution authorizing the Airport Commission to accept and expend funding in a total amount of $2,297,483 from the Transportation Security Administration ("TSA") for Airport K-9 Explosives Detection Team Program. (Airport Commission)

6/29/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

070981 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS – ESTABLISH
McAllister Street, eastbound and westbound, at Stanyan Street, making this uncontrolled intersection a two-way STOP; and,

Ora and Topaz Ways, making this intersection an all-way STOP. (Parking and Traffic Department)

(6/26/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3375.)
6/29/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

070982 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

MULTIPLE RIGHT TURN LANE - RESCIND
New Montgomery Street, southbound, at Mission Street.

NO U-TURNS - ESTABLISH
Webster Street, northbound and southbound, at Clay Street. (Parking and Traffic Department)

(6/26/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3375.)
6/29/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

070983 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

PARKING METER AREA NO. 3 (1-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - RESCIND □
PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Sutter Street, north side, between Divisadero and Scott Streets; and
Post Street, south side, between Divisadero and Scott Streets.

PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Post Street, north side, between Divisadero and Scott Streets; and,
Sutter Street, south side, between Divisadero and Scott Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
New Montgomery Street, east side, from Mission Street to 80 feet northerly.

RESIDENTIAL PERMIT PARKING AREA "Y" (2-HOUR TIME LIMIT, 9 AM TO 6 PM, EVERYDAY) - ESTABLISH
Clementina Street, both sides, between 1st and 2nd Streets (unit block, includes addresses on both sides for permits, but signs will only be installed on the south side); and,
246 Second Street (no signs will be installed on 2nd Street, but residents will be eligible for Area "Y" permits).

PARKING METER AREA NO. 1 (1-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY) - RESCIND
Clementina Street, south side, between 1st and 2nd Streets (meters have been legislated, but have not been installed).

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Elizabeth Street, north side, between Sanchez and Vicksburg (300 block).

PERPENDICULAR (90-DEGREE ANGLE) PARKING (SOUTHBOUND DIRECTION) - ESTABLISH
DIAGONAL (45-DEGREE ANGLE) PARKING (NORTHBOUND DIRECTION) -ESTABLISH
Van Ness Avenue, center of the street, from North Point Street to 270 feet northerly at a proposed center island.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
2037 Hyde Street, west side, between the driveways for #2037 and #2041 Hyde Street (10-foot zone accommodating two motorcycle parking spaces).

RESIDENTIAL PERMIT PARKING AREA "M" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Intersection of Avila Street, Cervantes Boulevard and Prado Street.

RESIDENTIAL PERMIT PARKING AREA "B" (2-HOUR TIME LIMIT, 9 AM TO 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
DeLong Street, west side, from Santa Cruz Avenue to the Daly City border (1 1/2 blocks).

TOW-AWAY, NO STOPPING ANYTIME, 3 PM TO 6 PM, MONDAY THROUGH FRIDAY -ESTABLISH
Diamond Street, west side, from Bosworth Street to 22 feet northerly,

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Taylor Street, east side, from Pine Street to 25 feet southerly (creates 6 motorcycle parking spaces).

NO PARKING ANYTIME - ESTABLISH
1580 5th Avenue, south side, from the driveway for this address westerly to the driveway for 1585 5th Avenue (135-foot zone).

RESIDENTIAL PERMIT PARKING AREA "W" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Hampshire Street, both sides, between 26th and Cesar Chavez Streets (1400 block).

RESIDENTIAL PERMIT PARKING AREA "L" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Anza Street, both sides, between 2nd and 3rd Avenues (1100 block)

TOW-AWAY, NO STOPPING, 3 PM TO 7 PM, MONDAY THROUGH FRIDAY -RESCIND
TOW-AWAY, NO STOPPING, 4 PM TO 7 PM, MONDAY THROUGH FRIDAY – ESTABLISH
9th Street, both sides, between Howard and Market Streets.

TOW-AWAY, NO STOPPING, 3 PM TO 7 PM, MONDAY THROUGH FRIDAY - RESCIND
TOW-AWAY, NO STOPPING, 4 PM TO 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Hayes Street, south side, between Market and Franklin Streets; and,
Hayes Street, north side, between Polk Street and Van Ness Avenue.

TWO-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY ESTABLISH
11th Street, both sides, from Harrison Street to Bryant Street (replaces meters on the east side of the street); and,
Harrison Street, both sides, from 10th Street to 11th Street (replaces meters on the south side of the street); and
Bryant Street, both sides, from 10th Street to 11th Street (replaces meters on the north side of the street).
(Parking and Traffic Department)

(6/28/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3375).
6/29/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 5:47 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

***City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689***

MEETING MINUTES - DRAFT

VOTES

Tuesday, July 17, 2007 2:00 PM

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

***AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ED JEW, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL***

Angela Calvillo, Clerk of the Board

F

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Jew	2nd and 4th Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

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PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Ed Jew, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum.

APPROVAL OF MEETING MINUTES

Supervisor Ammiano, seconded by Supervisor Dufty, moved to approve Board Meeting Minutes for June 5, 2007, June 12, 2007 and Special Meeting of the Board of Supervisors of the Budget and Finance Committee Meeting. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

070657 **[Repealing expired and superceded provision establishing Heavy Truck Loading Zones]**
Supervisor McGoldrick

Ordinance amending the San Francisco Traffic Code by repealing expired Section 33.3.1 establishing heavy truck loading zones, and making a conforming change to Section 132 to eliminate the penalty for violating Section 33.3.1. (Municipal Transportation Agency)

FINALLY PASSED

070658 **[Eliminating obsolete peddler permitting program that expired in 1989]**
Supervisor McGoldrick

Ordinance amending the San Francisco Traffic Code by amending Section 68 to remove obsolete references to Traffic Zone No. 1 and an expired permitting program for peddlers. (Municipal Transportation Agency)

FINALLY PASSED

070659 [Establishing restrictions on trucks and buses on portions of Broderick, Ellis, and Eddy Streets and St. Joseph's Avenue]

Supervisor Mirkarimi

Ordinance amending the San Francisco Police Code by adding Sections 1183.37 through 1183.40 and amending the San Francisco Traffic Code by adding Sections 28.1.171 through 28.1.174 to establish bus and vehicle weight restrictions on portions of Broderick Street, St. Joseph's Avenue, Eddy Street and Ellis Street. (Municipal Transportation Agency)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

Appointment of President Pro Tempore

At the request of the President, Supervisor Dufty assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

070773 [Government Funding for Fiscal Year 2007-2008]
Mayor

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2008.

(Fiscal Impact.)

Supervisor Peskin, seconded by Supervisor Elsbernd, moved to amend and further amended with technical and financial amendments to the 2007-08 Consolidated Budget and Annual Appropriation. (See File for Details) Motion to amend passed without objection.

Supervisor Daly moved to further amend. Failed for a lack of second.
(See File for details)

Supervisor Daly move to further amend to reallocate $700,000 from SFPD by delaying the hiring of Police Officers and allocate $700,000 to reinstate public health nurses at DPH. Failed for lack of second.

Supervisor Daly noted absent at 2:49 p.m.
Supervisor Daly was noted present at 3:25 p.m.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier,moved to amend to by inserting "that if these positions are not filled within 6 months the money would to be restored to the General Fund."
The motion to amend failed by the following vote:
Ayes: 4 - Alioto-Pier, Elsbernd, Jew, Sandoval
Noes: 7- Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin

Supervisor Peskin, seconded by Supervisors McGoldrick, moved to reallocate from the ad back funding from affordable housing by $244,000 and allocate $244, 00 to fund 2 public health nurses at DPH.
The motion to amend passed by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 -Sandoval

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to reallocate $75,000 from PUC and allocate $75,000 to the Garden of the Environment.
Motion to amend passed without objection.

Supervisor McGoldrick requested to divide the question relating to funding $200,00 for the installation of security cameras.
On the question to fund $200,000 for the installation of security cameras passed by the following vote:
Ayes: 7 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Peskin, Sandoval,
Noes: 4- Daly, Maxwell, McGoldrick, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

070774 **[Public Employment for Fiscal Year 2007-2008]**
Mayor

Consolidated Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2008, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

Supervisor Daly was noted absent at 2:49 p.m.

070826 **[Redevelopment Agency Budget and Bonds]**

Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2007-2008, approving the Issuance by the Redevelopment Agency of Bonds in an aggregate principal amount of not to exceed $128,300,000 to finance a portion of redevelopment activities described in such approved Budget for fiscal year 2007-2008; and approving additional General Fund loans to the Redevelopment Agency in the aggregate amount of $463,000, consisting of a $303,000 loan to complete a potential redevelopment plan for the Visitacion Valley Survey Area and a $160,000 loan for Bayview Hunters Point Survey Area C planning costs. (Redevelopment Agency)

(Fiscal Impact.)
(Supervisor Mirkarimi dissented in committee.)

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Mirkarimi
Absent: 1 - Daly

070840 **[Treasure Island Development Authority Budget]**
Mayor

Resolution approving the Budget of the Treasure Island Development Authority for fiscal year 2007-2008.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070739 [Accept-Expend Federal Grant - Department of Economic and Workforce Development]
Supervisor Mirkarimi

Ordinance authorizing the Department of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $200,000 in FY 2006-07 from the Private Industry Council of San Francisco, Inc. for workforce development administration, contracting, and data management, and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070740 [Accept-Expend Federal Grant - Department of Economic and Workforce Development]
Supervisor Mirkarimi

Ordinance authorizing the Department of Economic and Workforce Development to accept and expend a grant in the amount of $5,765,890 in FY 2007-2008 from the California Employment Development Department for workforce development, and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070808 [Increasing fees for certain services provided by the Medical Examiner]
Mayor

Ordinance amending San Francisco Administrative Code Section 8.14, by raising the fees for removal of remains, cremation services, and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070809 [San Francisco Administrative Code - First Offender Prostitution Program Fee]
Mayor

Ordinance amending Ordinance No. 289-98 (Sec. 10.193-1 of the Administrative Code of the City and County of San Francisco) establishing the First Offender Prostitution Program Fee, to remove reference to Penal Code Section 647(b), to allow the Office of the District Attorney to send all eligible prostitution-related offenders to the department's First Offender Prostitution Program (FOPP) diversion class.

Supervisor McGoldrick, seconded by Supervisor Sandoval, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070810 **[Patient Rates - Public Health]**
Mayor

Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2007.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070811 **[Public Works Code - Fees for various permits]**
Mayor

Ordinance amending Public Works Code Sections 2.1.1, 2.1.2, and 724.1 to update and codify various permit fees, including permits for café tables and chairs, commemorative plaques, debris boxes, driveways, minor sidewalk encroachments, pipe barriers, sidewalks, street encroachments, street improvements, temporary street space occupancy; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070812 **[Amending Subsections of Section 106 of the San Francisco Fire Code to increase fees for certain Fire Department services and permits]**
Mayor

Ordinance making environmental findings and amending Sections 106.2, 106.3, 106.7, 106.8, 106.9, 106.10, 106.11, 106.15, 106.17 and Tables 106-B and 106-C of the San Francisco Fire Code to increase fees for certain Fire Department services and permits, to become operative on its effective date or on July 1, 2007, whichever is later.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070813 **[Amending Sections of the San Francisco Business and Tax Regulations Code to increase certain Fire Department licensing fees]**
Mayor

Ordinance making environmental findings, amending Sections 90, 93, 93.1, 94, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246 and 247 of the San Francisco Business and Tax Regulations Code to increase licensing fees for certain permits issued by the Fire Department, and repealing Section 242.1 of the San Francisco Business and Tax Regulations Code, to become operative on its effective date or on July 1, 2007, whichever is later.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070815 **[Recreation and Park Department - Athletic Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.36, to revise the fee schedule for use of athletic fields.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070816 **[Recreation and Park Department - Harding Park Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.12, to revise the time for super twilight play, to establish fees for shotgun tournaments, and to authorize the Recreation and Park Commission to approve special promotions not to exceed a 20% discount of the applicable rate.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070817 **[Recreation and Park Department - Clubhouse Rental Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.21, to increase the fees for renting clubhouses in San Francisco parks.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070818 **[Recreation and Park Department - Junior Golf Tournament Fees]**
Mayor

Ordinance making environmental findings and adding San Francisco Park Code, Article 12, Section 12.43, to establish fees for Junior and Family golf tournaments.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070819 **[Recreation and Park Department - Program Fees]**
Mayor

Ordinance making environmental findings and adding San Francisco Park Code, Article 12, Section 12.44, to establish a fee structure for recreational programs, subject to the review and approval of the Recreation and Park Commission.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070820 **[Recreation & Park Department - Reservation Administrative Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by adding Section 12.45 to establish administrative fees.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070821 **[Recreation & Park Department - Change to Resident Golf Card Fee]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.32, to increase the annual fee for San Francisco Resident Golf Cards from $40.00 to $45.00 and imposing administrative fees.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070822 **[Recreation and Park Department - Wedding Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.07, to increase the fees for holding weddings in San Francisco parks.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070823 **[Retiree Health Benefits Fund]**
Mayor, Supervisor Elsbernd

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-275, to create a Retiree Health Benefits Fund. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070849 [Establishing the HOPE SF Fund and provide for appropriations to the Fund]
Mayor, Supervisor Maxwell

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-370, to: establish the HOPE SF Fund; direct the City to appropriate $5,000,000 to the Fund for FY 2007-2008 and set City policy regarding future appropriations to the Fund; identify the permitted uses of moneys so deposited; and, set forth provisions for the administration of such fund.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Jew
Absent: 1 - Dufty

070702 [Second Amendment to Catholic Charities Sublease of Housing Units on Treasure Island]

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute a second amendment to the sublease with Catholic Charities to increase utility rates. (Treasure Island Development Authority)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070703 [Second Amendment to Community Housing Partnership Sublease of Housing Units on Treasure Island]

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute a second amendment to the sublease with Community Housing Partnership to add 42 residential units to the premises, to increase the common area maintenance charge and to increase utility rates. (Treasure Island Development Authority)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070704 [First Amendment to Haight Ashbury Free Clinics Sublease of Housing Units on Treasure Island]

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute a first amendment to the sublease with Haight Ashbury Free Clinics to increase utility rates. (Treasure Island Development Authority)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070705 [First Amendment to Rubicon Programs Sublease of Housing Units on Treasure Island]

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute a first amendment to the sublease with Rubicon Programs to increase utility rates. (Treasure Island Development Authority)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070706 **[First Amendment to Swords to Plowshares Sublease of Housing Units on Treasure Island]**

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute a first amendment to the sublease with Swords to Plowshares to increase utility rates. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070707 **[Second Amendment to Walden House Sublease of Housing Units on Treasure Island]**

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute a second amendment to the sublease with Walden House to add 12 residential units to the premises, to increase the common area maintenance charge and to increase utility rates. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070824 **[Approval of FY07-08 Expenditure Plan for the Human Services Care Fund]**
Mayor

Resolution approving the FY07-08 Expenditure Plan for the Human Services Care Fund.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070888 **[Jurisdictional transfer of property from DPW to HSA]**
Mayor

Resolution transferring jurisdiction of certain real property located at 1 Cashmere Street (Assessors Block 4720, Lot 7; the Sojourner Truth Child Care Center), 200 Cashmere Street (Assessors Block 4710, Lot 6; the MLK Nursery School), 100 Whitney Young Circle (Assessors Block 4711, Lot 6; the Earl P. Mills Community Center), and 1030 Oakdale Avenue (Assessors Block 4714, Lot 7; the Captain William Sorey Nursery School), from the Department of Public Works to the Human Services Agency.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070827 **[Disbursements from Budget Savings Fund]**
Mayor

Resolution approving disbursements from the Budget Savings Incentive Fund.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070885 **[Proposition J Contract/Certification of specified contracted-out services for Department of Elections]**
Mayor

Resolution concurring with the Controller's certification that services can be performed by private contractor for a lower cost than similar work performed by City and County employees for absentee voter ballot distribution services for Department of Elections.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

From the Budget and Finance Committee Without Recommendation

Supervisor Daly was noted present at 3:15 pm.

070887 **[Proposition J Contract/Certification of specified contracted-out services for Recreation and Park]**
Mayor

Resolution concurring with the Controller's certification that services can be performed by private contractor for a lower cost than similar work performed by City and County employees for golf course maintenance services at the Department of Recreation and Parks.

Supervisor Maxwell, seconded by Supervisor McGoldrick, moved that this Resolution be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:
Ayes: 6 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 5 - Alioto-Pier, Dufty, Elsbernd, Jew, Sandoval

Recommendations of the Rules Committee

070730 **[Charter Amendment - Renewal of Library Preservation Fund for fifteen-year term and authorization to issue debt for Library purposes secured by and/or repaid from the Fund]**
Supervisors Peskin, Maxwell, Elsbernd, Alioto-Pier, Mirkarimi, McGoldrick, Dufty, Ammiano, Sandoval

Charter amendment (Second Draft) to repeal the existing Section 16.109 and to add a new Section 16.109, to renew the Library Preservation Fund for fifteen years and to authorize the City and County of San Francisco to issue debt for Library purposes secured by and/or repaid from the Fund.

Supervisor Sandoval requested to be added as a co-sponsor.

ORDERED SUBMITTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Daly, Jew

From the Rules Committee Without Recommendation

070726 [Charter Amendment - Requiring the Mayor to appear personally at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board]
Supervisor Daly

Charter amendment (First Draft) to amend Sections 2.103 and 3.100 to require the Mayor to appear personally at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board and to authorize the Board to adopt rules and guidelines.

ORDERED SUBMITTED by the following vote:
Ayes: 6 - Ammiano, Daly, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Dufty, Elsbernd, Jew, Maxwell

070727 [Charter Amendment - MTA budget to be accountable to Mayor and Board of Supervisors; shared jurisdiction; compliance with voter-approved ordinances; Controller to administer MTA quality review]
Supervisors McGoldrick, Sandoval

Charter amendment (First Draft) to amend Sections 8A.102, 8A.106, and 8A.107, to provide that: the Municipal Transportation Agency's budget shall be subject to the City's normal budget process; the Municipal Transportation Agency shall be subject to regulation by the Board of Supervisors; the Municipal Transportation Agency must comply with voter-approved ordinances; and, the Controller, rather than the Agency, shall administer the biennial municipal transportation quality review survey and study.

Continued to July 24, 2007 with the Board Sitting as a Committee of the Whole

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070731 [Charter Amendment - Emissions Reduction and Transit Reform]
Supervisor Peskin

Charter amendment (First Draft) to amend Sections 8A.101 through 8A.106, 8A.108 through 8A.110, 8A.112 through 8A.113, 9.118, and A8.404, repealing Section 16.110; and by re-numbering Sections 16.100 and 16.102 as 8A.114 and 8A.115, respectively, all to increase the efficiency, effectiveness and autonomy of the Municipal Transportation Agency.

Continued to July 24 ,2007

Supervisor Jew, seconded by Supervisor Dufty, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Board of Supervisors Sitting as a Committee of the Whole

070724 **[Charter Amendment - San Francisco Affordable Housing Fund]**
Supervisors Daly, Ammiano, Mirkarimi

Charter amendment (Third Draft) to add Section 16.127 to: establish a baseline appropriation and set aside the equivalent of an annual tax of two and one-half cents [$0.025] on each one hundred dollars ($100) of assessed property tax valuation for the next fifteen (15) years to support affordable housing programs; require the Mayor to prepare an affordable housing plan every three (3) years; affirm City policy urging the Redevelopment Agency to use at least fifty percent (50%) of its tax increment funds for low and moderate income housing; and setting an expiration date of July 1, 2023.

The President inquired as to whether any member of the public wished to address the Board members.
James Tracy; support of the Affordable Housing Charter Amendment
Ruis; support of the Affordable Housing Charter Amendment
Peter Maziak; support of the Affordable Housing Charter Amendment
Jane Martin; support of the Affordable Housing Charter Amendment
Shannon Dodge; support of the Affordable Housing Charter Amendment
Male speaker; support of the Affordable Housing Charter Amendment
Eric Quesada; support of the Affordable Housing Charter Amendment
Sylvia Johnson; support of the Affordable Housing Charter Amendment
Female speaker; support of the Affordable Housing Charter Amendment
James Chaffee; expressed issues with set asides

The President declared the public hearing closed.

Supervisor Mirkarimi requested to be added as a co-sponsor.
NOT ORDERED SUBMITTED by the following vote:
Ayes: 4 - Ammiano, Daly, Mirkarimi, Sandoval
Noes: 7 - Alioto-Pier, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin

070938 **[Charter Amendment - To provide retirement benefits for police department employees who were also airport police officers prior to December 27, 1997, as if they had been members of the police department during their service as airport police officers]**
Supervisor McGoldrick

Charter amendment (Fourth Draft) to amend Sections A8.506-2 and A8.597-11(a) to authorize the Board of Supervisors to amend a contract with the Public Employees Retirement System in order to transfer to the San Francisco Employees' Retirement System the assets and liabilities of certain airport police officers, and by adding Section A8.597-10(d) to include time worked as an airport police officer in the calculation for retirement benefits for police department employees.

The President inquired as to whether any member of the public wished to address the Board members.
Sylvia Johnson
The President declared the public hearing closed.
ORDERED SUBMITTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Supervisor Jew Excused From Voting

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved to excuse Supervisor Jew, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Jew

070814 [Increasing permit and license fees for motor vehicle for hire permits]
Mayor

Ordinance amending the San Francisco Police Code by amending Sections 2.26.1 and 2.27.1, to increase permit and license fees for certain motor vehicle for hire permits, and to repeal obsolete provisions; amending Police Code Section 2.31 to authorize an annual adjustment to such fees to match changes in the Consumer Price Index; and ratifying fees previous collected.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Jew

070769 [Amending a contract with anticipated expenditure in excess of $10 million]

Resolution approving the Eighth Amendment to the agreement between the City and County of San Francisco (Purchaser) and Sunset Scavenger Company (Contractor) for sludge hauling, increasing the total compensation to the Contractor by $1.3 million to $12,415,000, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Public Safety Committee

070682 **[Prohibition of possession or sale of firearms or ammunition on county property]**
Mayor, Supervisors Maxwell, Mirkarimi

Ordinance amending the San Francisco Police Code by adding Section 617 to prohibit the possession or sale of firearms or ammunition on property controlled by the City and County of San Francisco.

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 3 - Daly, Jew, Peskin

070683 **[Requirement that firearms located within a residence be kept in a locked container or secured with a trigger lock]**
Mayor, Supervisors Maxwell, Mirkarimi

Ordinance amending the San Francisco Police Code by adding Section 4512 to require that all handguns located within a residence be kept in a locked container or disabled with a trigger lock.

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 3 - Daly, Jew, Peskin

070684 **[Requiring dealers to inventory firearms every six months]**
Mayor, Supervisors Maxwell, Mirkarimi

Ordinance amending the San Francisco Police Code by amending Section 613.10 to require licensed firearms dealers to transmit to the Chief of Police an inventory of firearms every six months.

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 3 - Daly, Jew, Peskin

Recommendations of the Rules Committee

Supervisors Daly and Mirkarimi Excused From Voting

Supervisor McGoldrick, seconded by Supervisor Jew, moved to excuse Supervisors Daly and Mirkarimi, because of possible conflict of interest, from voting on this matter. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 2 - Daly, Mirkarimi

070964 **[Appointment - Association of Bay Area Governments Executive Board]**

Resolution appointing Supervisor Chris Daly and Supervisor Ross Mirkarimi, terms ending June 30, 2009, to the Association of Bay Area Governments Executive Board.

Supervisor Chris Daly, succeeding himself, term expired, seat 1, must be a member of the Board of Supervisors, for a new two-year term ending June 30, 2009.
Supervisor Ross Mirkarimi, succeeding himself, term expired, seat 2, must be a member of the Board of Supervisors, for a new two-year term ending June 30, 2009.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 2 - Daly, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Joe Niacin in recognition of his dedication to New Leaf.

SPECIAL ORDER 4:00 P.M.

070708 **[Public Hearing - Appeal of Final Mitigated Negative Declaration - 3400 Cesar Chavez Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department adopted and issued on April 19, 2007, approving a Final Mitigated Negative Declaration (File No. 2005.0030E), for the proposed demolition of the existing building and construction of a new four-story building that would house a Walgreens store and up to three other small retail spaces on the ground floor, as well as 60 one-, two-, and three-bedroom owner-occupied residential units above. The building would be about 115,000 gross square feet in size and approximately 50 feet in height. A total of about 97 parking spaces would be provided, with most located in a basement parking garage. The ground-floor retail stores would serve as a podium for a residential courtyard above. Access to the residential and employee parking garage would be from Bartlett Street, while access to surface-level customer parking for the retail stores would be from Cesar Chavez Street. The project site is located within an NC-3 (Moderate Scale Neighborhood Commercial) zoning district and within a 50-X height and bulk district in the Mission neighborhood. (Appellant: Nick Pagoulatos on behalf of the Mission Anti-displacement Coalition.)

(Filed May 22, 2007; companion measure to Files 070709, 070710, 070711, District 9.)

Sue Hestor, Attorney for the appellant
Viktoriya Wise, Carol Roos, AnMarie Rodgers and other Representatives for the Planning Department reviewed with the Board the Planning Department's recommendation. Matt Franklin, Mayor's Office of Housing responded to questions from Board members.

Steve Vittel, Attorney for the project sponsor, Seven Hills Group
Luis Granados speaker; support of appellant
Female speaker; support of appellant
Louis Carneros; support of appellant
Alex; support of appellant
John Melone; support of appellant
Cony Ford, SF Labor Council, support of appellant
Connie Weber; support of project sponsor
Calvin Welch; support of appellant
Julio Sorro; support of appellant
Female speaker; support of appellant
Jake Coleman; support of the project sponsor
Representative from St. Peter's Housing Committee; support of appellant
Representative from St. Peter's Housing Committee; support of appellant
Dan Grubb; support of appellant
Male speaker; support of appellant
Shannon Dodge; support of appellant
Jessica Files; support of appellant
Emma Darrell; support of appellant
Rubin Garcia ; support of appellant
Oscar Dominquez; support of appellant
Female Speaker; support of appellant
Jane Martin; support of appellant
Female speaker; support of appellant
Robert Haaland, Local SEIU; support of appellant
Claire Bowman; support of appellant
Howard Wallce; support of appellant
Cathy Lumpskin; support of appellant
Frank Martin del Campo, Labor Council; support of appellant
A. Sanchez, Coleman Advocates; support of appellant
Blanca; support of appellant
Representative of St. Peter's Housing Committee and Day labor program; support of appellant
Female speaker; support of appellant
Male speaker; support of appellant
Student at Mercy High School; support of appellant
Female speaker; support of appellant

Renee Saucedo; support appellant
Denise Jones; support of appellant
Julio Iglesai; support of appellant
Anna Maria Loya; support of appellant
Laura Guzman; support of appellant
Eilzabeth Alexander; support of appellant
Enriques Salsado; support of appellant
Iris Biblowitz; support of appellant
Carlos Villareal; support of appellant
Bruce Ellison; support of appellant
Marion Miedra; support of appellant
Terry Frye; support of appellant
Michael Therriot; support project sponsor
Female speaker; support of appellant
T. Romero; support of appellant
David Campos; support of appellant
Robert Hemminger; support of appellant
Arlene LaFarnari; support of appellant
Tim Coleman; support of the project sponsor
Male speaker; support of the project sponsor
Alex Tom; support of appellant
Joe Piccoro; support of the project sponsor
Michael Miller; support of the project sponsor
Rosebella Safont; support of appellant
Hector Molina; support of appellant
Lana Alviar; support of appellant
Anita; support of the project sponsor
Melissa; support of the project sponsor
Female speaker; support of the project sponsor
Vicki Dascaslow; support of the project sponsor
Robert Danelli; support of the project sponsor
John Joseph; support of the project sponsor
Female speaker; support of the project sponsor
Female speaker; support of appellant
Mauricio Vela support of appellant
Edward Barrajo; support of appellant
Chris Peterson; support of the project sponsor
Paul Vanderall; support of the project sponsor
Rita Alviar; support of the project sponsor
Roberta Gubino; support of the project sponsor
Jim Salinas, Carpenters Union; support of the project sponsor
Brad Matten; support of the project sponsor
Franchesca Pesci; support of the project sponsor
Tom Loganstein; support of the project sponsor
Male speaker; support of the project sponsor
John Lera; support of the project sponsor
Jezzie Collins; support of appellant
Larry Mazzola, Plumbers Union; support of the project sponsor
Wendy Phillips; support of appellant
Female speaker, student at John O'Connell School; support of the appellant
Female Speaker, student at John O'Connell School; support of the appellant
Female speaker; student at Mercy High School; support of the appellant
Cynthia Munoz, St. Peter's Housing Committee; support of the appellant
Julie Leadbetter; support of appellant
Female speaker; support of the project sponsor

David Mango; support of the project sponsor
Erica Levin; support of the project sponsor
David; support of the project sponsor
Caroline Devy; support of the project sponsor
Cristin Sullivan; support of the project sponsor
John Sullivan; support of the project sponsor
Male speaker; support of the project sponsor
Gail Moser; support of the project sponsor
Laura Melgarejo; support of the project sponsor
Jeremy Burnett; support of the project sponsor
Andrew Dunbar; support of the project sponsor
Zoe; support of the project sponsor
Fran Taylor; support of the appellant
T.J. Walkup; support of the project sponsor
Female Speaker; support of appellant
Louis Herrera; support of appellant
Louis Almeiento; support of appellant
Larry Del Carlo; support of the project sponsor
Louisa Ezquirra; support of the project sponsor
Espanola Jackson; support of appellant
Judy West; support of the project sponsor
Male speaker; support of project sponsor
Robert Eringer; support of appellant
Male speaker; support of the project sponsor
Male speaker; support of the project sponsor
Eric Arguerro; support of project sponsor
Phil Lesser; support of project sponsor
Female speaker; support of the project sponsor
John Wilson; support of the project sponsor
Female speaker; support of the project sponsor
Debra Newman; support of the project sponsor
Vicki Rosen; support of the project sponsor
Male speaker; support of the project sponsor
John Mendoza; support of the project sponsor
Leora Bussel; support of the project sponsor
Mr. Salazar; support of the project sponsor
Andew Woods; support of the project sponsor
Lisa; support of the project sponsor
Male speaker; support of the project sponsor
Scott Kelfer; support of the project sponsor
Veronica Gannun; support of the project sponsor
Arian Tchacova; support of the project sponsor
John Arvey; support of the project sponsor
John Cantwell; support of the project sponsor
Sylvia Johnson; support of appellant
Jane Wong; support of appellant
Maria Chavez; support of appellant
Johnny Shamless; support of appellant
Eliose Bates; support of the project sponsor
Laura Muniz; support of the project sponsor
Eric Quezada; support of appellant
Oscar Grande; support of appellant
Burt Hill, support of the project sponsor
Male speaker; support of appellant
Gillian Gillette; support of project sponsor

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Appointment of President Pro Tempore

At the request of the President, Supervisor Dufty assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the final mitigated negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

070709 **[Affirming adoption of the mitigated negative declaration for the 3400 Cesar Chavez Street Project]**
Motion affirming Planning Commission adoption of the final mitigated negative declaration for the 3400 Cesar Chavez Street Project.

Continued to July 31, 2007

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070710 **[Reversing adoption of the mitigated negative declaration for the 3400 Cesar Chavez Street Project]**
Motion reversing the Planning Commission adoption of the final mitigated negative declaration for the 3400 Cesar Chavez Street Project.

Continued to July 31, 2007

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070711 **[Preparation of findings to reverse adoption of the mitigated negative declaration for 3400 Cesar Chavez Street]**
Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for the 3400 Cesar Chavez Street Project.

Continued to July 31, 2007

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared memorabilia with the Board members
Sylvia Johnson; expressed concern with general issues
Espanola Jackson; expressed concern with issues relating to Power Plant Task Force appointments

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

071010 **[Zoning - Extension of Planning Commission review period]**
Supervisor McGoldrick

Resolution extending by an additional 45 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend Planning Code Sections 315.3 and 315.6 of the Residential Inclusionary Affordable Housing Program to extend the requirements of the Program from all housing projects of five (5) units or more to all housing projects of two (2) units or more.

(No Economic Impact)

ADOPTED

071011 **[Endorsing the 2007 Immigrant Rights Summit]**
Supervisors Ammiano, Daly, Alioto-Pier, Maxwell, Sandoval, Dufty, Peskin, Mirkarimi

Resolution endorsing the 2007 Immigrant Rights Summit to be convened at the Bill Graham Civic Auditorium and declaring September 15, 2007 as Immigrant Rights Day in the City and County of San Francisco.

(No Economic Impact)

Supervisors Mirkarimi and Elsbernd requested to be added as co-sponsors.
ADOPTED

071012 **[New Portola Branch Library groundbreaking]**
Supervisors Maxwell, Ammiano

Resolution recognizing the groundbreaking ceremony for the new Portola Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

(No Economic Impact)

ADOPTED

071013 **[Accept and Expend Foundation Grant - Department of the Environment]**
Supervisor Maxwell

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $15,000 from the California Breathing for the purpose of implementing the Bayview Hunters Point (BVHP) Healthy Homes Project.

(No Economic Impact)

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

070993 **[Settlement of Lawsuit - Francisco Moreno, et al.]**
Ordinance authorizing settlement of the lawsuit filed by Francisco Moreno, Maria Govea, Mauricio Moreno and Nancy Moreno against the City and County of San Francisco for $112,000; the lawsuit was filed on November 18, 2005 in United States District Court, Case No. C05-4752; entitled Francisco Moreno, et al. v. City and County of San Francisco, et al. (City Attorney)
7/9/07, RECEIVED AND ASSIGNED to Rules Committee.

070994 **[Settlement of Lawsuit - Dave Alba et al.]**

Ordinance authorizing the settlement of a lawsuit filed by Dave Alba et al., acting for themselves and others similarly situated, against the City and County of San Francisco for $625,000.000; the lawsuit was filed on April 22, 2005, in the United States District Court for the Northern District, Case No. C05-01667, entitled Dave Alba, et al., v. City and County of San Francisco. (City Attorney)

7/9/07, RECEIVED AND ASSIGNED to Rules Committee.

070998 **[MOU, San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2)]**

Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2), to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact.)
(No Economic Impact)
7/10/07, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

070995 **[Settlement of Claim - Alexa Internet]**

Resolution approving the settlement of the unlitigated Claim No. 07-02244 filed by Alexa Internet on February 28, 2007 against the City and County of San Francisco for business payroll tax refund under the Federal Enclave Presidio Exemption in the amount of $86,586.87. (City Attorney)

7/9/07, RECEIVED AND ASSIGNED to Rules Committee.

070996 **[Raising a contract's dollar amount to more than $10 million]**

Resolution approving the Third Amendment to the Agreement between the City and County of San Francisco (City) and Office Depot (Contractor) for office supplies, increasing the Agreement's not-to-exceed amount to more than $10 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

7/9/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

070997 **[MOU, San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1)]**

Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1), to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact.)
(No Economic Impact)
7/10/07, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED MOTIONS

ADJOURNMENT

There being no further business the Board adjourned at the hour 10:51 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, July 24, 2007 2:00 PM

DOCUMENTS DEPT.
JUL 26 2007
SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ED JEW, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Jew	2nd and 4th Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Ed Jew, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum.

APPROVAL OF MEETING MINUTES

Supervisor Ammiano, seconded by Supervisor Dufty, moved to approved the Meeting Minutes of June 19, 2007. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

070692 **[Liquor License, 2078 Chestnut Street]**

Resolution detertermining that the issuance of a Type 20 off-sale beer and wine alcoholic beverage control license to Sylvia Mania for K.I.S.S. Candy Company LLC dba Luv Box located at 2078 Chestnut Street (District 2), will serve the convenience of the people of the City and County of San Francisco, in accordance with section 23958.4 of the California Business and Professions Code; with conditions.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070889 [Grant funds to support the California School Health Association project]
Supervisor Sandoval

Resolution authorizing the San Francisco Department of Public Health (DPH), to retroactively accept and expend grant funds in the amount of $23,423 from the San Francisco Public Health Foundation to partially pay the salary and fringe benefits for an Assistant Health Educator to work at the Balboa Teen Health Center and to support the California School Health Association project; for the period of March 1, 2007 through June 30, 2008.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070927 [Grant of Regional Funds - Municipal Transportation Agency]
Mayor

Resolution authorizing the Municipal Transportation Agency to accept and expend $450,000 of TransLink® funds from the Metropolitan Transportation Commission to provide resources to oversee the installation and testing of TransLink® equipment on Muni vehicles.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

070909 [Adopting findings related to affirming the categorical exemption issued for the 1135-1139 Green Street project]

Motion adopting findings related to affirming the determination by the Planning Department that the 1135-1139 Green Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Board of Supervisors)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071046 [Adopting findings related to the disapproval of the Tentative Parcel Map for 4344 17th Street]

Motion adopting findings related to the disapproval of a 3-lot Tentative Parcel Map for 4344 17th Street, Assessor's Block 2646, Lot 054.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Budget and Finance Committee

070773 [Government Funding for Fiscal Year 2007-2008]
Mayor

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2008.

(Fiscal Impact.)

Supervisor McGoldrick requested to divide the question relating to funding $200,000 for the installation of security cameras.
On the question to fund $200,000 for the installation of security cameras passed by the following vote:
Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Jew, Peskin, Sandoval
Noes: 5 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

070774 [Public Employment for Fiscal Year 2007-2008]
Mayor

Consolidated Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2008, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

070739 [Accept-Expend Federal Grant - Department of Economic and Workforce Development]
Supervisors Mirkarimi, Ammiano

Ordinance authorizing the Department of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $200,000 in FY 2006-07 from the Private Industry Council of San Francisco, Inc. for workforce development administration, contracting, and data management, and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

Supervisor Ammiano requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070740 [Accept-Expend Federal Grant - Department of Economic and Workforce Development]
Supervisors Mirkarimi, Ammiano

Ordinance authorizing the Department of Economic and Workforce Development to accept and expend a grant in the amount of $5,765,890 in FY 2007-2008 from the California Employment Development Department for workforce development, and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

Supervisor Ammiano requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070808 [Increasing fees for certain services provided by the Medical Examiner]
Mayor

Ordinance amending San Francisco Administrative Code Section 8.14, by raising the fees for removal of remains, cremation services, and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070810 [Patient Rates - Public Health]
Mayor

Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2007.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070811 [Public Works Code - Fees for various permits]
Mayor

Ordinance amending Public Works Code Sections 2.1.1, 2.1.2, and 724.1 to update and codify various permit fees, including permits for café tables and chairs, commemorative plaques, debris boxes, driveways, minor sidewalk encroachments, pipe barriers, sidewalks, street encroachments, street improvements, temporary street space occupancy; and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070812 **[Amending Subsections of Section 106 of the San Francisco Fire Code to increase fees for certain Fire Department services and permits]**

Mayor

Ordinance making environmental findings and amending Sections 106.2, 106.3, 106.7, 106.8, 106.9, 106.10, 106.11, 106.15, 106.17 and Tables 106-B and 106-C of the San Francisco Fire Code to increase fees for certain Fire Department services and permits, to become operative on its effective date or on July 1, 2007, whichever is later.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070813 **[Amending Sections of the San Francisco Business and Tax Regulations Code to increase certain Fire Department licensing fees]**

Mayor

Ordinance making environmental findings, amending Sections 90, 93, 93.1, 94, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246 and 247 of the San Francisco Business and Tax Regulations Code to increase licensing fees for certain permits issued by the Fire Department, and repealing Section 242.1 of the San Francisco Business and Tax Regulations Code, to become operative on its effective date or on July 1, 2007, whichever is later.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070815 **[Recreation and Park Department - Athletic Fees]**

Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.36, to revise the fee schedule for use of athletic fields.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

070816 **[Recreation and Park Department - Harding Park Fees]**

Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.12, to revise the time for super twilight play, to establish fees for shotgun tournaments, and to authorize the Recreation and Park Commission to approve special promotions not to exceed a 20% discount of the applicable rate.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

070817 **[Recreation and Park Department - Clubhouse Rental Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.21, to increase the fees for renting clubhouses in San Francisco parks.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070818 **[Recreation and Park Department - Junior Golf Tournament Fees]**
Mayor

Ordinance making environmental findings and adding San Francisco Park Code, Article 12, Section 12.43, to establish fees for Junior and Family golf tournaments.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

070819 **[Recreation and Park Department - Program Fees]**
Mayor

Ordinance making environmental findings and adding San Francisco Park Code, Article 12, Section 12.44, to establish a fee structure for recreational programs, subject to the review and approval of the Recreation and Park Commission.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

070820 **[Recreation & Park Department - Reservation Administrative Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by adding Section 12.45 to establish administrative fees.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

070821 **[Recreation & Park Department - Change to Resident Golf Card Fee]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.32, to increase the annual fee for San Francisco Resident Golf Cards from $40.00 to $45.00 and imposing administrative fees.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

070822 [Recreation and Park Department - Wedding Fees]
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.07, to increase the fees for holding weddings in San Francisco parks.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

070823 [Retiree Health Benefits Fund]
Mayor, Supervisor Elsbernd

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-275, to create a Retiree Health Benefits Fund. (Mayor)

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070849 [Establishing the HOPE SF Fund and provide for appropriations to the Fund]
Mayor, Supervisor Maxwell

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-370, to: establish the HOPE SF Fund; direct the City to appropriate $5,000,000 to the Fund for FY 2007-2008 and set City policy regarding future appropriations to the Fund; identify the permitted uses of moneys so deposited; and, set forth provisions for the administration of such fund.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Daly, Jew

070814 [Increasing permit and license fees for motor vehicle for hire permits]
Mayor

Ordinance amending the San Francisco Police Code by amending Sections 2.26.1 and 2.27.1, to increase permit and license fees for certain motor vehicle for hire permits, and to repeal obsolete provisions; amending Police Code Section 2.31 to authorize an annual adjustment to such fees to match changes in the Consumer Price Index; and ratifying fees previous collected.

Supervisor Jew was previously excused from voting on this matter.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Jew

Recommendations of the Public Safety Committee

070682 **[Prohibition of possession or sale of firearms or ammunition on county property]**
Mayor, Supervisors Maxwell, Mirkarimi

Ordinance amending the San Francisco Police Code by adding Section 617 to prohibit the possession or sale of firearms or ammunition on property controlled by the City and County of San Francisco.

FINALLY PASSED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 3 - Daly, Jew, Peskin

070683 **[Requirement that firearms located within a residence be kept in a locked container or secured with a trigger lock]**
Mayor, Supervisors Maxwell, Mirkarimi

Ordinance amending the San Francisco Police Code by adding Section 4512 to require that all handguns located within a residence be kept in a locked container or disabled with a trigger lock.

FINALLY PASSED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 3 - Daly, Jew, Peskin

070684 **[Requiring dealers to inventory firearms every six months]**
Mayor, Supervisors Maxwell, Mirkarimi

Ordinance amending the San Francisco Police Code by amending Section 613.10 to require licensed firearms dealers to transmit to the Chief of Police an inventory of firearms every six months.

FINALLY PASSED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 3 - Daly, Jew, Peskin

From the Rules Committee Without Recommendation

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

Appointment of President Pro Tempore

At the request of the President, Supervisor Dufty assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

070731 **[Charter Amendment - Emissions Reduction and Transit Reform]**
Supervisor Peskin

Charter amendment (First Draft) to amend Sections 8A.101 through 8A.106, 8A.108 through 8A.110, 8A.112 through 8A.113, 9.118, and A8.404, repealing Section 16.110; and by re-numbering Sections 16.100 and 16.102 as 8A.114 and 8A.115, respectively, all to increase the efficiency, effectiveness and autonomy of the Municipal Transportation Agency.

Supervisor Peskin, seconded by Supervisor Mirkarimi, moved an amendment of the whole bearing New Title and further amended.
Supervisor McGoldrick, seconded by Supervisor Sandoval, moved to amend on page 8, by deleting "Section 6"
Motion to amend failed by the following vote:
Ayes: 5 - Alioto-Pier, Daly, McGoldrick, Mirkarimi, Sandoval
Noes: 6 - Ammiano, Dufty, Elsbernd, Jew, Maxwell, Peskin
Supervisor McGoldrick, seconded by Supervisor Sandoval, moved to amend on page 9, by deleting "Section 8".
Motion to amend failed by the following vote:
Ayes: 5 - Alioto-Pier, Daly, McGoldrick, Mirkarimi, Sandoval
Noes: 6 - Ammiano, Dufty, Elsbernd, Jew, Maxwell, Peskin
Supervisor McGoldrick, seconded by Supervisor Sandoval, moved to amend on page 26, by replacing "seventh-elevenths" with "six-elevenths."
Motion to amend failed by the following vote:
Ayes: 4 - Daly, McGoldrick, Mirkarimi, Sandoval
Noes: 7 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, Peskin
Supervisor McGoldrick, seconded by Supervisor Sandoval, moved by deleting the two year budgeting reference to make it subject to the annual budget process.
Motion to amend failed bythe following vote:
Ayes: 5 - Alioto-Pier, Daly, McGoldrick, Mirkarimi, Sandoval
Noes: 6 - Ammiano, Dufty, Elsbernd, Jew, Maxwell, Peskin

Supervisor Jew, seconded by Supervisor Alioto-Pier, moved to further amend on page 33, by deleting "Section 10 b" relating to off street parking.
Ayes: 3 - Alioto-Pier, Jew, Sandoval
Noes: 8 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:
Ayes: 7 - Ammiano, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Daly, McGoldrick, Sandoval

Supervisor Daly requested to divide the question to include "Section 10 b" relating to off street parking.
On the question to include "Section 10 b" relating to off street parking passed by the by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 8 - Alioto-Pier, Jew, Sandoval

Continued to July 31, 2007 with the Board Sitting as a Committee of the Whole.
Supervisor Mirkarimi, seconded by Supervisor Jew, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Sandoval

From the Rules Committee Without Recommendation

070727 **[Ability of Mayor and Board to amend MTA budget and regulate MTA operations; Controller to administer MTA quality review; MTA Director as ex officio Parking Authority Director; transit survey to set floor rather than ceiling for carmen salaries]**

Supervisors McGoldrick, Sandoval

Charter amendment (Second Draft) to amend Sections 8A.102, 8A.106, 8A.107, 8A.112, and A8.404, to provide that: the Municipal Transportation Agency's budget shall be subject to the City's normal budget process; the Municipal Transportation Agency shall be subject to regulation by the Board of Supervisors; the Municipal Transportation Agency must comply with voter-approved ordinances; the Controller, rather than the Agency, shall administer the biennial municipal transportation quality review survey and study; the Director of Transportation may serve ex officio as the Parking Authority Executive Director; and, the salaries of platform employees and coach or bus operators shall be no less than, rather than no more than, the average of the two highest wage schedules for the same job classes in comparable transit systems.

The President inquired if any member of the public who wished to address the Board Members.
Sylvia Johnson
Daniel Murphy, MTACAC; not in support of the Charter Amendment
Female speaker
The President declared the public hearing closed.

NOT ORDERED SUBMITTED by the following vote:
Ayes: 3 - Daly, McGoldrick, Sandoval
Noes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin

NEW BUSINESS

Recommendation of the Government Audit and Oversight Committee

Supervisor McGoldrick was noted absent at 4:33 p.m.

070926 **[Designating a sole source contractor to provide healthcare coverage to certain eligible temporary exempt as-needed SEIU City employees]**

Mayor

Ordinance authorizing the Department of Human Resources to execute a contract with the San Francisco Health Plan to administer healthcare coverage to certain eligible temporary exempt as-needed City employees who are members of SEIU locals 535, 790 and UHW; and granting a waiver to the competitive procurement requirements of San Francisco Administrative Code Chapter 21.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

Recommendations of the Land Use and Economic Development Committee

070444 [Residential Inclusionary Affordable Housing Requirements]
Supervisor Sandoval

Ordinance approving changes to the Residential Inclusionary Affordable Housing Requirements by amending Section 315 to clarify the regulations in effect for particular projects; amending Section 315.1 to modify certain definitions related to income and sale price calculation; amending Section 315.2 to update findings; amending Section 315.3 to conform the legislation to the requirement that the ordinance apply to all projects of 5 units or more; amending Sections 315.4 and 315.5 to establish separate requirements for buildings of 120 feet in height or greater, to clarify the requirements related to the type of on- and off-site housing required, to require the Mayor's Office of Housing to establish minimum qualifications for firms that market below market-rate units; and to establish a preference in the lottery for on- and off-site units for people who live and work in San Francisco; amending Section 315.6 to provide updated guidelines for the calculation of the in lieu fee and to allow MOH to expend funds for a study to periodically update the fee; amending Section 315.7 to change the amount of time an ownership unit shall remain affordable; amending Section 315.8 to amend certain monitoring and study obligations; making a related change to the Jobs-Housing Linkage Program by amending Section 313.6 to make annual adjustments in the in lieu fee for that program correspond to the method used for the Residential Inclusionary Affordable Housing Program; and making findings, including findings under the California Environmental Quality Act.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

070679 [Residential Rental Units: Lock Replacements by Landlord When Tenants Vacate]
Supervisor McGoldrick

Ordinance amending the Administrative Code by adding Chapter 49B to provide that when a rental unit is permanently vacated by all tenants the landlord must re-key or replace all door locks that are exclusive to that unit, including doors to storage units and garages.

Supervisor McGoldrick was noted present at 4:36 p.m.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 3:30 P.M.

070967 **[Public Hearing - Appeal of Minor Sidewalk Encroachment for 1166 Haight Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated June 13, 2007, approving a request of Minor Sidewalk Encroachment Permit to construct a warped driveway ramp and two (2) planter boxes to encroach 3'-0" into the public sidewalk right-of-way (25% of the sidewalk width as allowed by Article 15, Section 723.2 of the Public Works Code) fronting the property at 1166 Haight Street to provide access to a proposed garage below grade. (Appellant: Raquel Fox.)

(Filed June 28, 2007; companion measure to Files 070968, 070969; District 5.)

The President inquired as to whether any member of public wished to address the Board Members.
Stephanie Fong; support of the appellant
Continued to September 11, 2007

Supervisor Alioto-Pier, seconded by Supervisor Jew, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the minor sidewalk encroachment permit appeal described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070968 **[Minor Sidewalk Encroachment Permit Appeal]**

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the Encroachment Permit.

Continued to September 11, 2007

Supervisor Alioto-Pier, seconded by Supervisor Jew, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070969 **[Minor Sidewalk Encroachment Permit Appeal]**

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the appeal.

Continued to September 11, 2007

Supervisor Alioto-Pier, seconded by Supervisor Jew, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

070910 **[Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

The President inquired as to whether any member of public wished to address the Board Members.
There were none.
Continued to September 18, 2007

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070911 **[Affirming the categorical exemption issued for the 3424 Jackson Street project]**

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to September 18, 2007

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070912 **[Disapproving the categorical exemption issued for the 3424 Jackson Street project]**

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to September 18, 2007

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070913 **[Preparation of findings related to the 3424 Jackson Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to September 18, 2007

CONTINUED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

070800 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review - Citywide Wireless Broadband Internet Access Network Ordinance]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 20, 2007, Case No. 2007.0097E, exempting from environmental review under Categorical Exemption [State CEQA Guidelines, Sections 15301(b), 15303(d), & 15303(e); Class Numbers 1 and 3], the proposed project is an ordinance proposed by the Mayor (Board File No. 070077) that would approve one or more agreements (hereafter "the Agreement") between EarthLink, Inc. and the City and County of San Francisco. The Agreement would permit EarthLink to manage, operate, and install within the City rights-of-way a citywide wireless broadband internet access network that would provide free or affordable internet access for San Francisco residents, workers, and visitors. The project would involve installation within the City rights-of-way of a communications system consisting of two types of above-ground equipment: transmitters and backhaul devices. The Agreement does not specify proposed locations for the communications equipment, and EarthLink has not yet selected such locations. (Appellant: Jeff Hoffman, on behalf of the San Francisco Neighborhood Antenna Free Union (SNAFU).)

(Filed May 30, 2007; companion measure to Files 070801, 070802, 070803.)

The President inquired as to whether any member of public wished to address the Board Members.
There were none.
Continued to July 31, 2007

Supervisor Jew, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070801 **[Affirming the categorical exemption issued for the Citywide Wireless Broadband Internet Access Network Ordinance]**

Motion affirming the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to July 31, 2007

Supervisor Jew, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070802 **[Disapproving the categorical exemption issued for the Citywide Wireless Broadband Internet Access Network Ordinance]**

Motion disapproving the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to July 31, 2007

Supervisor Jew, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070803 **[Preparation of findings related to the appeal of the categorical exemption for the Citywide Wireless Broadband Internet Access Network Ordinance]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is exempt from environmental review under the California Environmental Quality Act.

Continued to July 31, 2007

Supervisor Jew, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

070828 **[Open Space Fund Financing]**
Mayor

Ordinance approving the issuance and sale of lease revenue bonds payable from the Park, Recreation and Open Space Fund to finance various park projects as further described herein; approving the form of a First Amendment to Site Lease by and between the City and County of San Francisco Finance Corporation (the "Corporation") and the City and County of San Francisco (the "City") relating to certain City-owned properties located in the City (as further described herein); approving the form of a First Supplemental Lease by and between the Corporation and the City; approving the form of a First Supplemental Trust Agreement by and between the Corporation and a trustee (including certain indemnities contained therein); approving the form of an Assignment Agreement by and between the Corporation and a trustee; approving the form of an official notice of sale and a notice of intention to sell the lease revenue bonds; directing the publication of the notice of intention to sell the lease revenue bonds; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; authorizing the payment of costs of issuance; authorizing reimbursement of certain expenditures; authorizing the establishment of a contingency fund; adopting findings under the California Environmental Quality Act and findings pursuant to City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

Supervisor Daly dissented in Committee.
(No Economic Impact)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

070746 **[Lease of Real Property at 760 Harrison Street]**

Resolution retroactively authorizing extension of a lease of real property at 760 Harrison Street for the Department of Public Health. (Real Estate Department)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Dr. Aurelius Walker; support of the construction project in the Bay View Hunter's point area
Reverend Boyd; support of project construction project in the Bay View Hunter's point area
Pastor Erwin; support of the construction project in the Bay View Hunter's point area
Pastor George Lee; support of the construction project in the Bay View Hunter's point area
Elder Geary, gate keeper at the Hunters Point shipyard; support of the construction project in the Bay View Hunter's point area
Abdullah Megaheed; expressed concern with issues relating to the Arab Council
James Chaffee; expressed concern with issues relating to the SF Public Library
Joseph Braverman; expressed concern relating to being watched and sought legal assistance
Peter Warfield; expressed concern with issues relating to the SF Public LIbrary hours
Walter; shared with the Board Members memorabilia
Male speaker; expressed concern with issues relating to the US foreign policy and the Federal government
Male speaker; expressed concern with issues relating to the US Federal Government and requested support of 911 Truth movement
Ron; expressed concern with issues relating to the housing authority and housing
Espanola Jackson; expressed concern with issues relating to Bay View Hunters construction project
John di Donna; expressed concern with issues relating to violence in the world
Male speaker; expressed concern with issues relating to workplace mobbing
Female speaker; expressed concern with issues relating to the Lennar Construction Company's contract

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

Supervisor Dufty was noted absent at 5:24 p.m.

071059 [Accept-Expend US Department of Homeland Security/Transportation Security Administration Grant]
Supervisor Alioto-Pier

Resolution authorizing the Department of Airport Commission to accept and expend a grant in the amount of $1,375,694 from the US Department of Homeland Security/Transportation Security Administration (TSA) for an Airport perimeter Security Technology Enhancement Program.

ADOPTED

071060 **[Commending KDRC and SJVPA on installing the nation's largest planned solar power generating facility]**

Supervisor Mirkarimi

Resolution commending San Joaquin Valley Power Authority on its plans to install the nation's largest planned solar power generating facility and retaining a San Francisco-based company to build the facility and urging the San Francisco Pubic Utilities Commission to expeditiously pursue Community Choice Aggregation for the City and County of San Francisco.

ADOPTED

071061 **[Supporting the reclassification of "Alcopop" type flavored malt beverages from a beer/wine product to a distilled spirit product]**

Supervisors Mirkarimi, Ammiano

Resolution supporting the reclassification of "Alcopop" type flavored malt beverages from a beer/wine product to a distilled spirit product.

ADOPTED

071020 **[Final Map - 1901 17th Street]**

Motion approving Final Map 4379, a 165 Residential Unit and a 3 Commercial Unit Mixed-Use Condominium Project, located at 1901 17th Street being a subdivision of Lot 001 in Assessors Block No. 3978 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,978; District 10.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

Severed From the For Adoption Without Committee Reference

Supervisor Alioto-Pier request that this matter be severed so that it might be considered separately.

071058 **[Support for development of City-owned electric generation project]**

Supervisors Maxwell, Dufty, Ammiano

Resolution urging the Public Utilities Commission to move expeditiously to complete and present for Board of Supervisors consideration agreements necessary for the development of a City-owned combustion turbine project to promote the goals of the City's Electricity Resource Plan.

Supervisor Daly requested that this matter be referred to Committee.
Supervisors Dufty and Ammiano requested to be added as co-sponsors.
REFERRED.

Supervisor Dufty was noted present at 5:27 p.m.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071083 **[In honor of Carolyn Hanna's retirement after twenty-seven years of service in the Office of the Public Defender]**

Supervisor Sandoval

Resolution commending Carolyn Hanna for twenty-seven years of distinguished service to the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

070162 **[Reserved Funds, Department of Emergency Management, Division of Emergency Services]**

Hearing to consider release of reserved funds Department of Emergency Management, Division of Emergency Services (DEM) fiscal year 2005 Homeland Security Grant funds in the amount of $891,500 for Emergency Operations Center (EOC) Renovation.

3/7/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071063 **[Authorizing the Committee on Information Technology to amend its contract with Central Computer Systems by more than $500,000]**

Resolution authorizing the Office of Contract Administration to enter into the Fifth Amendment to the Agreement between the City and Central Computer Systems (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract's not-to-exceed amount by more than $500,000. (Office of Contract Administration)

7/16/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071064 **[Raising a contract's not-to-exceed amount to more than $10 million]**

Resolution approving the Third Amendment to the Agreement between the City and County of San Francisco (City) and Office Depot (Contractor) for office supplies, increasing the contract's not-to-exceed amount to more than $10 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

7/16/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071065 **[Approving a contract in excess of $10 million]**

Resolution approving an Agreement between the City and County of San Francisco and Pioneer Americas LLC for sodium hypochlorite, a contract estimated to exceed $10 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

7/16/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071066 **[Approval of the HIV Prevention Projects Grant application]**

Resolution authorizing the San Francisco Department of Public Health (DPH) to submit an interim progress report (IPR) in order to continue to receive funding for the HIV Prevention Projects grant from the Centers of Disease Control and Prevention (CDC). The amount of this annual recurring grant for the next grant year (January 1, 2008 to December 31, 2008) is expected to be approximately $9 million. The due date of the IPR is September 4, 2007. (Public Health Department)

7/13/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Supervisor Dufty requested to be added as a co-sponsor.

PROPOSED MOTIONS

ADJOURNMENT

There being no further business the Board adjourned at the hour 5:30 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, July 31, 2007 2:00 PM

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Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ED JEW, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Jew	2nd and 4th Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Ed Jew, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:02 p.m. On the call of the roll Supervisor Sandoval was noted absent.

There was a quorum.
Supervisor Sandoval was noted present at 2:03 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Jew, seconded by Supervisor Alioto-Pier, moved to approve Board Meeting Minutes for June 26, 2007 and Special Board of Supervisors Meetings of the Budget and Finance Committee for June 25, 2007 and June 28, 2007.. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the Government Audit and Oversight Committee

070926 **[Designating a sole source contractor to provide healthcare coverage to certain eligible temporary exempt as-needed SEIU City employees]**
Mayor

Ordinance authorizing the Department of Human Resources to execute a contract with the San Francisco Health Plan to administer healthcare coverage to certain eligible temporary exempt as-needed City employees who are members of SEIU locals 535, 790 and UHW; and granting a waiver to the competitive procurement requirements of San Francisco Administrative Code Chapter 21.

(Fiscal Impact.)

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

070444 [Residential Inclusionary Affordable Housing Requirements]
Supervisor Sandoval

Ordinance approving changes to the Residential Inclusionary Affordable Housing Requirements by amending Section 315 to clarify the regulations in effect for particular projects; amending Section 315.1 to modify certain definitions related to income and sale price calculation; amending Section 315.2 to update findings; amending Section 315.3 to conform the legislation to the requirement that the ordinance apply to all projects of 5 units or more; amending Sections 315.4 and 315.5 to establish separate requirements for buildings of 120 feet in height or greater, to clarify the requirements related to the type of on- and off-site housing required, to require the Mayor's Office of Housing to establish minimum qualifications for firms that market below market-rate units; and to establish a preference in the lottery for on- and off-site units for people who live and work in San Francisco; amending Section 315.6 to provide updated guidelines for the calculation of the in lieu fee and to allow MOH to expend funds for a study to periodically update the fee; amending Section 315.7 to change the amount of time an ownership unit shall remain affordable; amending Section 315.8 to amend certain monitoring and study obligations; making a related change to the Jobs-Housing Linkage Program by amending Section 313.6 to make annual adjustments in the in lieu fee for that program correspond to the method used for the Residential Inclusionary Affordable Housing Program; and making findings, including findings under the California Environmental Quality Act.

FINALLY PASSED

070679 [Residential Rental Units: Lock Replacements by Landlord When Tenants Vacate]
Supervisor McGoldrick

Ordinance amending the Administrative Code by adding Chapter 49B to provide that when a rental unit is permanently vacated by all tenants the landlord must re-key or replace all door locks that are exclusive to that unit, including doors to storage units and garages.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

070709 [Affirming adoption of the mitigated negative declaration for the 3400 Cesar Chavez Street Project]

Motion affirming Planning Commission adoption of the final mitigated negative declaration for the 3400 Cesar Chavez Street Project.

Supervisor Elsbernd, seconded by Supervisor Jew, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Jew, McGoldrick, Sandoval
Noes: 5 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin

070710 [Reversing adoption of the mitigated negative declaration for the 3400 Cesar Chavez Street Project]

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for the 3400 Cesar Chavez Street Project.

Supervisor Elsbernd, seconded by Supervisor Jew, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Jew, McGoldrick, Sandoval
Noes: 5 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin

070711 [Preparation of findings to reverse adoption of the mitigated negative declaration for 3400 Cesar Chavez Street]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for the 3400 Cesar Chavez Street Project.

Supervisor Elsbernd, seconded by Supervisor Jew, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Jew, McGoldrick, Sandoval
Noes: 5 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin

Called From City Operations and Neighborhood Services Committee

060589 [Liquor License Transfer, 845 Market Street, Space 010]

Resolution determining that the transfer of a Type 21 off-sale general license from 1001 South Van Ness Avenue to 845 Market Street, basement of the San Francisco Centre, Space 010 to Bristol Farms Inc., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Continued to August 14, 2007

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Land Use and Economic Development Committee

070217 **[Zoning - Interim moratorium on installation of microcell equipment]**
Supervisors Peskin, Jew, Sandoval, McGoldrick, Maxwell, Daly, Mirkarimi, Ammiano, Dufty, Alioto-Pier, Elsbernd

Urgency Ordinance approving an interim zoning moratorium on installation of microcell equipment for 45 days and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

Continued to August 14, 2007

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Government Audit and Oversight Committee

070828 **[Open Space Fund Financing]**
Mayor

Ordinance approving the issuance and sale of lease revenue bonds payable from the Park, Recreation and Open Space Fund to finance various park projects as further described herein; approving the form of a First Amendment to Site Lease by and between the City and County of San Francisco Finance Corporation (the "Corporation") and the City and County of San Francisco (the "City") relating to certain City-owned properties located in the City (as further described herein); approving the form of a First Supplemental Lease by and between the Corporation and the City; approving the form of a First Supplemental Trust Agreement by and between the Corporation and a trustee (including certain indemnities contained therein); approving the form of an Assignment Agreement by and between the Corporation and a trustee; approving the form of an official notice of sale and a notice of intention to sell the lease revenue bonds; directing the publication of the notice of intention to sell the lease revenue bonds; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; authorizing the payment of costs of issuance; authorizing reimbursement of certain expenditures; authorizing the establishment of a contingency fund; adopting findings under the California Environmental Quality Act and findings pursuant to City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

(Supervisor Daly dissented in Committee.)
(No Economic Impact)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

Board Sitting As A Committee of the Whole

From the Rules Committee Without Recommendation

070731 [Charter Amendment - Emissions Reduction and Transit Reform]
Supervisor Peskin

Charter amendment (Third Draft) to amend Sections 8A.100 through 8A.106, 8A.108 through 8A.110, 8A.112 through 8A.113, and A8.404; repealing Section 16.110; re-numbering Sections 16.100 and 16.102 as 8A.114 and 8A.115, respectively and amending Section 8A.115; and requiring the Board of Supervisors to adopt an ordinance amending the Traffic Code to repeal any provision in conflict with this measure and convert such provisions to rules and regulations of the Municipal Transportation Agency Board of Directors, all to increase the efficiency, effectiveness and autonomy of the Municipal Transportation Agency and to reduce greenhouse gas emissions from San Francisco's transportation sector.

The president inquired as to whether or not any member of the public wished to address the Board members.
Mr. Paulson, President of Labor Council; support of the Charter Amendment
Lois Scott, Local 21; support of the Charter Amendment
Robert Haaland, Local 1021; support of the Charter Amendment
Daniel Murphy, MTA Advisory Council, support of the Charter Amendment
Chriss Romero, Local 21; support of the Charter Amendment
Chris Boman; requested to send back to Committee and to submit to the electorate at the February Election
James Byrant; SEIU, Local 1021; support of the Charter Amendment
M. Chipsay; support of the Charter Amendment
Jim Lazurus, Chamber of Commerce; expressed concern relating to off-street parking and requested to submit at the February Election
Christopher Peterso; support of the Charter Amendment
Tim Polland, SF Housing; support of the Charter Amendment
Sue Wan; support of the Charter Amendment
Francisco da Costa; support of the Charter Amendment
Irwin Lum, President Transport Workers; support of the Charter Amendment

The President declared the public hearing closed.

ORDERED SUBMITTED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Jew, McGoldrick, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

070901 **[Contracting Process for San Francisco General Hospital Rebuild Project]**

Ordinance authorizing the Director of Public Works to issue a Request for Proposals for the services of a Construction Manager/General Contractor for the San Francisco General Hospital Rebuild Program and to award a contract for such services based on the best qualifications and fee. This ordinance further authorizes the Director to negotiate and obtain prices from certain core subcontractors and to allow them to become subcontractors to the CM/GC, provided said prices are validated by City-retained cost estimators. (Public Works Department)

(Fiscal Impact.)
(No Economic Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

070762 **[Airport Operating Agreement with Signature Flight Support Corporation]**

Resolution approving the Fixed Base Operator Lease and Operating Agreement between Signature Flight Support Corporation and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

070763 **[Airport Concession Lease]**

Resolution approving the Boarding Area “F” Hub Specialty Store Lease “A” between Air Sun dba Sunglass Hut and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

070788 **[Amendment to Contract with Geomatrix Consultants, Inc.]**

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute an amendment to the contract with Geomatrix Consultants, Inc. to extend the term retroactively through June 30, 2008, to modify the scope of services, and to increase the contract by an amount not to exceed $180,000 for a new total amount not to exceed $1,259,000 for environmental consulting services. (Treasure Island Development Authority)

No Economic Impact

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

070793 **[Lease of Real Property at 3801 Third Street, Suite 600]**

Resolution authorizing the lease of 10,740 square feet of space at 3801 Third Street, Suite 600, for the San Francisco Public Utilities Commission (SFPUC), Wastewater Collection System Division retroactively to July 1, 2007. (Real Estate Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

070806 **[Authorizing the Office of Contract Administration to amend its contract with Micromenders/GC Micro to exceed $10 million]**

Resolution authorizing the Office of Contract Administration to enter into the Fourth Amendment between the City and Micromenders/GC Micro (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract's anticipated expenditures to over $10 million. (Office of Contract Administration)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

070852 **[Contract funds to support the STOP AIDS Project]**

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to enter retroactively into an agreement with the STOP AIDS Project and expend funds in the amount of $28,410; for the period of September 1, 2006, through August 31, 2008. (Public Health Department)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

070853 **[Airport Concession Lease]**

Resolution approving the Terminal 3 Newsstands and Specialty Store Lease between Host International, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

070854 **[Airport Concession Lease]**

Resolution approving the Technology Products Stores Lease between ILJ San Francisco, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

070873 **[Lease of Real Property]**

Resolution authorizing extension of a lease of real property at 617 Mission Street and 101 New Montgomery Street for the Department of Child Support Services. (Real Estate Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

070875 **[Lease of Real Property at 650 Fifth Street, Suite 307-309]**

Resolution authorizing the Lease of 3,060 square feet of space at 650 Fifth Street, Suites 307-309, for the Department of Public Health's Jail Health Services retroactively to July 1, 2007. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

070902 **[Master Agreements for Federal and State transportation funds]**

Resolution authorizing the Director of Public Works or his or her designee to execute Master Agreements between the City and County of San Francisco, through its Department of Public Works, and the California Department of Transportation. (Public Works Department)

(No Economic Impact)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

Recommendations of the Government Audit and Oversight Committee

070680 **[Administrative Penalties and Fees for Fare Evasion or Passenger Misconduct Offenses]**
Supervisor Peskin

Ordinance amending San Francisco Traffic Code Sections 127, 128, 128.1, 128.1-A, 128.2, and 128.3 to clarify the definition of "Proof of Payment" and impose administrative penalties and fees for certain types of fare evasion or passenger misconduct offenses instead of criminal penalties where authorized by state law, and authorizing the Municipal Transportation Agency's Board of Directors to set the specific penalty and fee amounts.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

070847 **[Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments]**
Supervisor Elsbernd

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

(Supervisor Daly dissented in Committee.)

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Absent: 1 - Dufty

SPECIAL ORDER 3:00 P.M.

Supervisor Sandoval was noted absent at 3:06 p.m.

071079 **[Public Hearing - Report of Assessment costs for sidewalk and curb repairs]**

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs that the Department performed pursuant to Public Works Code Section 707.1; authorizing that such charges be assessed as a tax lien; and authorizing other official acts in furtherance thereof. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board members.
Robert Quan, Representative, Department of Public Works

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

071080 **[Report of assessment costs for sidewalk and curb repairs]**

Resolution confirming the Department of Public Works Report of Costs for sidewalk and curb repairs that the Department performed pursuant to Public Works Code Section 707.1; authorizing that such charges be assessed as a tax lien; and authorizing other official acts in furtherance thereof. (Clerk of the Board)

Report of assessment costs were amended to delete two properties.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

SPECIAL ORDER 3:00 P.M.

Called From City Operations and Neighborhood Services Committee

Supervisor McGoldrick was noted absent at 3:25 p.m.
Supervisor McGoldrick was noted present at 6:27 p.m.

071098 **[Hearing on temporarily halting construction at the Hunters Point Shipyard]**

Hearing to consider the possible adoption of a Resolution urging the Department of Public of Health and Lennar Corporation to temporarily halt construction at the Hunters Point Shipyard and to contract with an independent entity to conduct a health assessment of the residents of Bay View Hunters Point.

The President inquired as to whether or not any member of the public wished to address the Board members.
Jessica Powell; support of temporarily halting construction at Hunter's Point
Adele; support of temporarily halting construction at Hunter's Point
Female speaker; support of temporarily halting construction at Hunter's Point
Bishop Jackson; support of temporarily halting construction at Hunter's Point
Female speaker; support of temporarily halting construction at Hunter's Point
Male speaker; support of temporarily halting construction at Hunter's Point
Pastor Victor Santana; support of temporarily halting construction at Hunter's Point
Joel Mandara; support of temporarily halting construction at Hunter's Point
Dan Solberg, St. Paulus Lutheran; support of temporarily halting construction at Hunter's Point
Jesse Taylor; support of temporarily halting construction at Hunter's Point
Archbishop King; support of temporarily halting construction at Hunter's Point
Adam Easer; support of temporarily halting construction at Hunter's Point
Ruby Corpis; support of temporarily halting construction at Hunter's Point
Liaka; support of temporarily halting construction at Hunter's Point
Ricky Gordon; support of temporarily halting construction at Hunter's Point
Ingra Seggundo; support of temporarily halting construction at Hunter's Point
Dance Corpis; support of temporarily halting construction at Hunter's Point
Ed Espano; support of temporarily halting construction at Hunter's Point
Female speaker; support of temporarily halting construction at Hunter's Point
Female speaker; support of temporarily halting construction at Hunter's Point
Female speaker; support of temporarily halting construction at Hunter's Point
JD; support of temporarily halting construction at Hunter's Point
Dr. Ashimi Porter; support of temporarily halting construction at Hunter's Point
Keith Palmer; support of temporarily halting construction at Hunter's Point
Dr. Thompkins; support of temporarily halting construction at Hunter's Point
Abdullah Megaheed; support of temporarily halting construction at Hunter's Point
Charles Brinkly; support of temporarily halting construction at Hunter's Point
Jeremiah, United Players speaker; support of temporarily halting construction at Hunter's Point
Diane Westley Smith; support of temporarily halting construction at Hunter's Point
LL Victoria , United Players; support of temporarily halting construction at Hunter's Point
Jennie Tran, Coleman Advocates; support of temporarily halting construction at Hunter's Point
Female speaker; support of the continuing the construction at Hunter's Point
Female speaker, YCD; support of the continuing the construction at Hunter's Point
Sara Thompson; YCD; support of the continuing the construction at Hunter's Point
Janis Brown; support of the continuing the construction at Hunter's Point
Male speaker; support of temporarily halting construction at Hunter's Point
Ms. Rivers; support of temporarily halting construction at Hunter's Point
Vivian Donuhue; support of temporarily halting construction at Hunter's Point
Brother Brown; support of temporarily halting construction at Hunter's Point
RJ; support of temporarily halting construction at Hunter's Point
Sheila Burton; support of temporarily halting construction at Hunter's Point
Sala Chandler; support of temporarily halting construction at Hunter's Point
Wanda Edwards; support of the continuing the construction at Hunter's Point
Female speaker, Green Party; support of temporarily halting construction at Hunter's Point
Shawna Gokana; Green Party; support of temporarily halting construction at Hunter's Point
Neesa Joshua; support of temporarily halting construction at Hunter's Point
Reverend Michael Jackson; support of the continuing the construction at Hunter's Point
Female speaker; support of temporarily halting construction at Hunter's Point
Saul Bloom; support of the continuing the construction at Hunter's Point
Male Speaker; support of the continuing the construction at Hunter's Point
Gary Banks, support of the continuing the construction at Hunter's Point

Scott Mandelson; support of the continuing the construction at Hunter's Point
Chris Feeney; support of the continuing the construction at Hunter's Point
Marcellus Prentis; support of the continuing the construction at Hunter's Point
Male speaker; support of the continuing the construction at Hunter's Point
Roxceanne: support of the continuing the construction at Hunter's Point
Regina Mitchell; support of temporarily halting construction at Hunter's Point
Sister Barbara Washington; support of the continuing the construction at Hunter's Point
Franklin Lee-Ross; support of the continuing the construction at Hunter's Point
Jeffrey Whitham; support of the continuing the construction at Hunter's Point
Mathew Edward Miqurelli; support of temporarily halting construction at Hunter's Point
Female speaker; support of the continuing the construction at Hunter's Point
Latisha Mohammed; support of temporarily halting construction at Hunter's Point
Michael Lyons; support of temporarily halting construction at Hunter's Point
Espanola Jackson; support of temporarily halting construction at Hunter's Point
Michael Tuscon; support of the continuing the construction at Hunter's Point
Roseanne Leigh; support of the continuing the construction at Hunter's Point
Raven Lee; support of the continuing the construction at Hunter's Point
Hannah King lee; support of the continuing the construction at Hunter's Point
Glenda Daniels; support of the continuing the construction at Hunter's Point
Mark Solomon; support of temporarily halting construction at Hunter's Point
Silvia Jackson; support of temporarily halting construction at Hunter's Point
Female speaker; support of the continuing the construction at Hunter's Point
Male speaker; Eddie C. Welborn; support of temporarily halting construction at Hunter's Point
Willie Radcliff; support of temporarily halting construction at Hunter's Point
Bruce Gifford; support of temporarily halting construction at Hunter's Point
Olan Webb; support of the continuing the construction at Hunter's Point
Female speaker;
Lisa-Rivera Harrinson; support of temporarily halting construction at Hunter's Point
Shauna Parrish; support of temporarily halting construction at Hunter's Point
Aurillus Walker; support of the continuing the construction at Hunter's Point
Pastor George Lee; support of the continuing the construction at Hunter's Point
Male speaker; support of the continuing the construction at Hunter's Point
Minister Siss; support of the continuing the construction at Hunter's Point
Male speaker; support of temporarily halting construction at Hunter's Point
Max; support of temporarily halting construction at Hunter's Point
Gayla; support of temporarily halting construction at Hunter's Point
Denise Chandler; support of the continuing the construction at Hunter's Point
Male speaker; support of temporarily halting construction at Hunter's Point
Lupio; support of temporarily halting construction at Hunter's Point
Ms. Richardson; support of the continuing the construction at Hunter's Point
Francisco da Costa; support of temporarily halting construction at Hunter's Point
Male speaker; support of the continuing the construction at Hunter's Point
Al Moses; support of the continuing the construction at Hunter's Point
Steve Williams; support of temporarily halting construction at Hunter's Point
Andrea, Iris Environmental; support of the continuing the construction at Hunter's Point
Lennar Construction, Owner; support of the continuing the construction at Hunter's Point
R. Mohammed; support of temporarily halting construction at Hunter's Point
Female speaker; support of temporarily halting construction at Hunter's Point
Joe Cassidy; support of temporarily halting construction at Hunter's Point
Chrisy; support of temporarily halting construction at Hunter's Point
Jeff Austin, Lennar Construction; support of the continuing the construction at Hunter's Point
Reverend Arnold Townsend; support of the continuing the construction at Hunter's Point
Alica Schwartz; support of temporarily halting construction at Hunter's Point
Reverend Joseph Mohammed; support of temporarily halting construction at Hunter's Point
Reverend Amos Brown; support of the continuing the construction at Hunter's Point
Reverend Boyd; support of the continuing the construction at Hunter's Point
The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

070922 **[Temporarily halting construction at the Hunters Point Shipyard]**
Supervisor Daly

Resolution urging the Department of Public of Health and Lennar Corporation to temporarily halt construction at the Hunters Point Shipyard and to contract with an independent entity to conduct a health assessment of the residents of Bay View Hunters Point.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to amend by adding a " Further Resolved" That Lennar Corporation continue to pay its employees during the work stoppage."
The motion to amend passed without objection.

NOT ADOPTED by the following vote:

Ayes: 5 - Ammiano, Daly, Jew, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin

Recess

The Board recessed at the hour of 7:10 p.m.

Reconvening of the Board

The Board reconvened at the hour of p.m. 7:14 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval - 11

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 3:30 P.M.

070985 **[Public Hearing - Appeal of Tentative Final Map for 3150 Geary Boulevard]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated June 21, 2007, affirming the approval of Tentative/Final Map for a new 8 unit mixed-use condominium project located at 3150 Geary Boulevard, Lot 028 in Assessor's Block No. 1066. (Appellants: Jerome Marks on behalf of Kok-Po (Sam) Ng and Lily Chan Ng, and Kurt Link and Maria R. Link)

The President inquired as to whether or not any member of the public wished to address the Board members. There were none.
Continued to August 7, 2007

Supervisor Elsbernd, seconded by Supervisor Jew, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Parcel Map described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070986 **[Approving decision of the Director of Public Works and approving the Tentative Map for 3150 Geary Boulevard]**

Motion approving the decision of the Director of Public Works, finding the Tentative Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Map for an 8-unit subdivision located at 3150 Geary Boulevard, Lot 028 in Assessor's Block 1066. (Clerk of the Board)

Continued to August 7, 2007

Supervisor Elsbernd, seconded by Supervisor Jew, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

070987 **[Disapproving decision of the Director of Public Works and disapproving the Tentative Map for 3150 Geary Boulevard]**

Motion disapproving the decision of the Director of Public Works concerning an 8-unit Tentative Map located at 3150 Geary Boulevard, Lot 028 in Assessor's Block 1066 and disapproving the subdivision. (Clerk of the Board)

Continued to August 7, 2007

Supervisor Elsbernd, seconded by Supervisor Jew, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

070988 **[Findings - 3150 Geary Boulevard Tentative Map]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Map for an 8-unit subdivision located at 3150 Geary Boulevard, Lot 028 in Assessor's Block 1066. (Clerk of the Board)

Continued to August 7, 2007

Supervisor Elsbernd, seconded by Supervisor Jew, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

SPECIAL ORDER 4:00 P.M.

Supervisor Dufty was noted absent at 7:20 p.m.

070800 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review - Citywide Wireless Broadband Internet Access Network Ordinance]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 20, 2007, Case No. 2007.0097E, exempting from environmental review under Categorical Exemption [State CEQA Guidelines, Sections 15301(b), 15303(d), & 15303(e); Class Numbers 1 and 3], the proposed project is an ordinance proposed by the Mayor (Board File No. 070077) that would approve one or more agreements (hereafter "the Agreement") between EarthLink, Inc. and the City and County of San Francisco. The Agreement would permit EarthLink to manage, operate, and install within the City rights-of-way a citywide wireless broadband internet access network that would provide free or affordable internet access for San Francisco residents, workers, and visitors. The project would involve installation within the City rights-of-way of a communications system consisting of two types of above-ground equipment: transmitters and backhaul devices. The Agreement does not specify proposed locations for the communications equipment, and EarthLink has not yet selected such locations. (Appellant: Jeff Hoffman, on behalf of the San Francisco Neighborhood Antenna Free Union (SNAFU).)

(Filed May 30, 2007; companion measure to Files 070801, 070802, 070803.)

The President inquired as to whether or not any member of the public wished to address the Board members.
Espanola Jackson; support of appellant
Libby Kelly; support of appellant
Jolie Undersaki; support of appellant
Nancy Evans, Breast Cancer Fund; support of appellant
Dean Collie; support of appellant
Erika; support of appellant
Jennifer Badger Silva; support of appellant
Richard Dupree; support of appellant
Jeff Hoffman; Attorney for the appellant
Fay Einstein; support of appellant
Male speaker; support of appellant
Diana Scott; support of appellant
Walter Caplan; support appellant
Continued to September 11, 2007

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070801 **[Affirming the categorical exemption issued for the Citywide Wireless Broadband Internet Access Network Ordinance]**

Motion affirming the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to September 11, 2007

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

070802 **[Disapproving the categorical exemption issued for the Citywide Wireless Broadband Internet Access Network Ordinance]**

Motion disapproving the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to September 11, 2007

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

070803 **[Preparation of findings related to the appeal of the categorical exemption for the Citywide Wireless Broadband Internet Access Network Ordinance]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is exempt from environmental review under the California Environmental Quality Act.

Continued to September 11, 2007

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

SPECIAL ORDER: 4:00 P.M.

071028 [Public Hearing - Landmark Appeal, U.C. Extension Center, 55 Laguna Street (formerly San Francisco State Teachers College)]

Hearing of persons interested in or objecting to (1) the decision of the Planning Commission by its Resolution No. 17445 adopted June 7, 2007, disapproving the proposal of the Landmarks Preservation Advisory Board to designate the U.C. Extension Center as a San Francisco Landmark on property located at 55 Laguna Street (formerly San Francisco State Teachers College); Lots 001, 001A in Assessor's Block 0857 and Lots 001, 002, and 003 in Assessor's Block 0870. (Appellants: Robert W. Cherny, Acting President, Landmarks Preservation Advisory Board filed on July 2, 2007 and F. Joseph Butler on behalf of the San Francisco Preservation Consortium filed on July 6, 2007.) or (2) designation by the Board of Supervisors of the U.C. Extension Center, located at 55 Laguna Street, Lots 001, 001A in Assessor's Block 0857 and Lots 001, 002 and 003 in Assessor's Block 0870 as a San Francisco Landmark.

(Filed July 2 and 6, 2007; Companion measure to 071029, 071030, 071081; District 8.)

The President inquired as to whether or not any member of the public wished to address the Board members. There were none.

Continued to August 14, 2007 at 3:00 p.m.

Supervisor Mirkarimi, seconded by Supervisor Jew, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the landmark designation described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

071029 [Approving decision of the Planning Commission Disapproving Proposed Landmark Designation of 55 Laguna Street]

Motion approving the decision of the decision of the Planning Commission disapproving proposed landmark designation of 55 Laguna Street. (Clerk of the Board)

Continued to August 14, 2007 at 3:00 p.m.

Supervisor Mirkarimi, seconded by Supervisor Jew, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

071030 [Disapproving decision of the Planning Commission Disapproving Proposed Landmark Designation of 55 Laguna Street]

Motion disapproving the decision of the decision of the Planning Commission disapproving proposed landmark designation of 55 Laguna Street. (Clerk of the Board)

Continued to August 14, 2007 at 3:00 p.m.

Supervisor Mirkarimi, seconded by Supervisor Jew, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

071081 **[Findings - 55 Laguna Landmark Designation Appeal]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning the appeal of the Planning Commission's disapproval of a landmark designation of 55 Laguna Street. (Clerk of the Board)

Continued to August 14, 2007 at 3:00 p.m.

Supervisor Mirkarimi, seconded by Supervisor Jew, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

071082 **[Landmark Designation of 55 Laguna Street (U.C. Extension Center, formerly known as the San Francisco State Teacher's School]**

Ordinance Designating 55 Laguna Street (U.C. Extension Center, formerly known as the San Francisco State Teacher's School) as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (City Attorney)

Continued to August 14, 2007 at 3:00 p.m.

Supervisor Mirkarimi, seconded by Supervisor Jew, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

COMMITTEE REPORTS

070984 **[Appointment - Police Commission]**

Motion confirming the Mayor's nomination of, and appointing, Thomas Mazzucco, term ending April 30, 2008, to the San Francisco Police Commission. (Mayor)

(Charter Section 4.109 - Board of Supervisors must act within 60 days from the date the nomination is transmitted from the Mayor to the Clerk of the Board's Office. If the Board fails to act on the Mayor's nomination within the 60 days the Mayor's nominee shall be deemend approved.
Transmittal Date: 7/2/07.)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

071054 **[Settlement of Claim - Pennie Sempell]**
Supervisor Elsbernd

Resolution approving the settlement of the unlitigated claim filed by Pennie Sempell against San Francisco for $350,000; claim was filed on December 19, 2006.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

071044 **[Appointment - Ballot Simplification Committee]**

Resolution appointing June Fraps, Betty Packard and Suzanne Stassevitch, terms ending November 30, 2008, to the Ballot Simplification Committee.

3 seats being considered
June Fraps, succeeding herself, term expired, seat 1, must represent the National Academy of Television Arts and Sciences, Northern California Chapter or the Northern California Broadcasters Association, for the unexpired portion of a two-year term ending November 30, 2008.
Betty Packard, succeeding herself, term expired, seat 2, must represent the National Academy of Television Arts and Sciences, Northern California Chapter or the Northern California Broadcasters Association, for the unexpired portion of a two-year term ending November 30, 2008.
Suzanne Stassevitch, succeeding herself, term expired, seat 3, must represent the League of Women Voters of San Francisco, for the unexpired portion of a two-year term ending November 30, 2008.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

071087 **[Amending Ordinance 115-07 which approved an amendment to the Rincon Point-South Beach Redevelopment Plan]**

Mayor, Supervisor Peskin

Ordinance amending Ordinance 115-07 (which approved an amendment to the Rincon Point-South Beach Redevelopment Plan).

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to comments made by a former Supervisor
James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared with the Board in song his public comment
Female speaker; showed interest for the SF Firefighters pay raise
Mr. Story; expressed concern with issues relating to pit bulls and wanting them to be banned them from SF parks
Noelle Wiggins, Local 2407; expressed concern with issues relating to Security Officers

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

071091 [Marina Branch Library reopening]
Supervisor Alioto-Pier

Resolution recognizing the Grand Re-Opening of the Marina Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

ADOPTED

071094 [Extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance that would amend the Planning Code to create the Fringe Financial Service Restricted Use District]
Supervisor Ammiano

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance that would amend the Planning Code to create the Fringe Financial Service Restricted Use District and make related Zoning Map amendments.

ADOPTED

071095 [Opposing AB 112]
Supervisors Elsbernd, McGoldrick

Resolution opposing Assembly bill 112 to amend Section 97 of the Streets and Highways Code.

ADOPTED

071096 **[Accept-Expend Federal Grant - Spousal Abuser Prosecution Program]**
Supervisor Maxwell

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to accept and expend a grant in the amount of $102,076 through the California Department of Justice for a program entitled "Spousal Abuser Prosecution Program" for fiscal year 2007/2008.

ADOPTED

071099 **[Accept-Expend Federal Grant-2007 Mayor's Summer Food Service Program and Afterschool Snack program]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Children, Youth and their Families (DCYF), to accept and expend a grant in the amount of $876,988, currently and retroactively, from the United States Department of Agriculture for the 2007 Mayor's Summer Food Service Program and the After School Snack Program.

ADOPTED

070928 **[Final Map - 501 33rd Avenue/6901 Geary Boulevard]**
Motion approving Final Map 3687, a 21 Unit Mixed-Use Condominium Project, located at 501 33rd Avenue / 6901 Geary Boulevard being a subdivision of Lot 001 in Assessors Block No. 1511 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,977; District 1.)

APPROVED

070929 **[Final Map - 566 South Van Ness Avenue]**
Motion approving Final Map 3903, a 32 Residential Unit and 2 Commercial Unit Mixed-Use Condominium Project, located at 566 South Van Ness Avenue being a subdivision of Lot 005 in Assessors Block No. 3570 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,970; District 6.)

APPROVED

070962 **[Final Map - 818 Van Ness Avenue]**
Motion approving Final Map 3892, a 54 Unit Mixed-Use Condominium Project, located at 818 Van Ness Avenue being a subdivision of Lots 006, 007 and 008 in Assessors Block No. 0739 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,974; District 6.)

APPROVED

071035 **[Final Map - 481A-481F Clementina Street]**
Motion approving Final Map 3702, a 6 Unit Residential Condominium Project, located at 481A-481F Clementina Street being a subdivision of Lot 036 in Assessors Block No. 3732 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

(DPW Order No. 176,971; District 6.)

APPROVED

071036 **[Final Map - 1335 Fulton Street]**

Motion approving Final Map 4002, a 7 Unit Mixed-Use Condominium Project, located at 1335 Fulton Street being a subdivision of Lot 031 in Assessors Block No. 1182 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,972; District 5.)

APPROVED

071075 **[Final Map - 900 Minnesota Street]**

Motion approving Final Map 3996, a 142 Residential Unit and a 5 Commercial Unit Mixed-Use Condominium Project, located at 900 Minnesota Street being a subdivision of Lot 027 in Assessors Block No. 4106 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,976; District 6.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

Severed From the Without Reference to Committee Agenda

Supervisor Ammiano requested that this matter be severed so that it might be considered separately.

071092 **[Contract between the Department of Public Health and San Francisco Community Health Authority to provide universal health insurance services for San Francisco children and young adults aged 0 through 24]**

Supervisor Ammiano

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to contract between the City and County of San Francisco and the San Francisco Community Health Authority to provide universal health insurance services for San Francisco children and young adults aged 0 through 24 and young parents aged 19 through 24 for the period of July 1, 2007 through June 30, 2008.

(Fiscal Impact.)

Supervisor Ammiano requested that this matter be referred to Committee.

REFERRED.

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

071093 [Urging the American Psychological Association to end its acquiescence in regard to participation of psychologists in interrogation of detainees in Iraq, Afghanistan and Guantanamo Bay]
Supervisor Ammiano

Resolution requesting that the American Psychological Association reconsider its stance regarding the participation of psychologists in interrogations of detainees by restricting the use of psychologists to providing therapeutic benefits in all sites where detainees are held without due process in violation of international human rights law.

Supervisor Alioto-Pier requested that this matter be referred to Committee.
REFERRED.

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

071097 [Urging restoration of two-way traffic on Hayes Street]
Supervisor Mirkarimi

Resolution urging the Municipal Transportation Agency to restore two-way traffic on the block of Hayes Street between Gough and Franklin streets, to restore the pedestrian crossing of Gough Street on the south side of Hayes Street, and develop a detailed plan and implementation strategy for streetscape improvements to the Hayes Valley Commercial District along Hayes Street between Franklin and Laguna streets.

Supervisor Mirkarimi requested that this matter be referred to Committee.
REFERRED.

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

071100 [Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 6, 2007 Election]
Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for Charter Amendments approved by the Board of Supervisors for submittal to the voters at the November 6, 2007 Election. (Clerk of the Board)

Amended on page 1, line 13, by deleting Supervisor Ammiano; on line 15, by deleting Supervisors Peskin, McGoldrick, Alioto-Pier, Maxwell; on line 24, by deleting Supervisors Maxwell, Elsbernd, Alioto-Pier, Mirkarimi, McGoldrick, Dufty, Ammiano and Sandoval".

Supervisor Elsbernd, seconded by Supervisor Sandoval, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

Continued to August 7, 2007

Supervisor Elsbernd, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

OFF-AGENDA LEGISLATION

Resolutions

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

071077 **[Lease of Real Property at 400 McAllister Street]**

Resolution authorizing the lease of 1,118 square feet of space to the Nasra Family Partnership, in the Courthouse located at 400 McAllister Street on behalf of the Superior Court. (Real Estate Department)

7/23/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071078 **[Fire Department Eligibility Renewal Application for State and Federal Surplus Personal Property Program]**

Resolution authorizing the San Francisco Fire Department to apply to renew its eligibility for the State and Federal Surplus Personal Property Program. (Fire Department)

7/17/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour 8:32 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

***City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689***

MEETING MINUTES - DRAFT

VOTES

DOCUMENTS DEPT.

AUG - 9 2007

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Tuesday, August 7, 2007 2:00 PM

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

SF
S90
#69
8/7/07

***AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ED JEW, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL***

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	**Meeting Days**
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Jew	2nd and 4th Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Ed Jew, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.

There was a quorum.
Supervisor Alioto-Pier was noted present at 2:05 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Sandoval, moved to approve July 10, 2007 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

070901 **[Contracting Process for San Francisco General Hospital Rebuild Project]**

Ordinance authorizing the Director of Public Works to issue a Request for Proposals for the services of a Construction Manager/General Contractor for the San Francisco General Hospital Rebuild Program and to award a contract for such services based on the best qualifications and fee. This ordinance further authorizes the Director to negotiate and obtain prices from certain core subcontractors and to allow them to become subcontractors to the CM/GC, provided said prices are validated by City-retained cost estimators. (Public Works Department)

(Fiscal Impact.)
(No Economic Impact)

FINALLY PASSED

Recommendations of Land Use and Economic Development Committee

071087 **[Amending Ordinance 115-07 which approved an amendment to the Rincon Point-South Beach Redevelopment Plan]**
Mayor, Supervisor Peskin

Ordinance amending Ordinance 115-07 (which approved an amendment to the Rincon Point-South Beach Redevelopment Plan).

FINALLY PASSED

070983 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

PARKING METER AREA NO. 3 (1-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - RESCIND □
PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Sutter Street, north side, between Divisadero and Scott Streets; and
Post Street, south side, between Divisadero and Scott Streets.

PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Post Street, north side, between Divisadero and Scott Streets; and,
Sutter Street, south side, between Divisadero and Scott Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
New Montgomery Street, east side, from Mission Street to 80 feet northerly.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Elizabeth Street, north side, between Sanchez and Vicksburg (300 block).

PERPENDICULAR (90-DEGREE ANGLE) PARKING (SOUTHBOUND DIRECTION) - ESTABLISH
DIAGONAL (45-DEGREE ANGLE) PARKING (NORTHBOUND DIRECTION) -ESTABLISH
Van Ness Avenue, center of the street, from North Point Street to 270 feet northerly at a proposed center island.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
2037 Hyde Street, west side, between the driveways for #2037 and #2041 Hyde Street (10-foot zone accommodating two motorcycle parking spaces).

RESIDENTIAL PERMIT PARKING AREA "M" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Intersection of Avila Street, Cervantes Boulevard and Prado Street.

RESIDENTIAL PERMIT PARKING AREA "B" (2-HOUR TIME LIMIT, 9 AM TO 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
DeLong Street, west side, from Santa Cruz Avenue to the Daly City border (1 1/2 blocks).

TOW-AWAY, NO STOPPING ANYTIME, 3 PM TO 6 PM, MONDAY THROUGH FRIDAY -ESTABLISH
Diamond Street, west side, from Bosworth Street to 22 feet northerly,

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Taylor Street, east side, from Pine Street to 25 feet southerly (creates 6 motorcycle parking spaces).

NO PARKING ANYTIME - ESTABLISH
1580 5th Avenue, south side, from the driveway for this address westerly to the driveway for 1585 5th Avenue (135-foot zone).

RESIDENTIAL PERMIT PARKING AREA "W" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Hampshire Street, both sides, between 26th and Cesar Chavez Streets (1400 block).

RESIDENTIAL PERMIT PARKING AREA "L" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Anza Street, both sides, between 2nd and 3rd Avenues (1100 block)

TOW-AWAY, NO STOPPING, 3 PM TO 7 PM, MONDAY THROUGH FRIDAY -RESCIND
TOW-AWAY, NO STOPPING, 4 PM TO 7 PM, MONDAY THROUGH FRIDAY – ESTABLISH
9th Street, both sides, between Howard and Market Streets.

TOW-AWAY, NO STOPPING, 3 PM TO 7 PM, MONDAY THROUGH FRIDAY - RESCIND
TOW-AWAY, NO STOPPING, 4 PM TO 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Hayes Street, south side, between Market and Franklin Streets; and,
Hayes Street, north side, between Polk Street and Van Ness Avenue.

TWO-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY ESTABLISH
11th Street, both sides, from Harrison Street to Bryant Street (replaces meters on the east side of the street); and,
Harrison Street, both sides, from 10th Street to 11th Street (replaces meters on the south side of the street); and
Bryant Street, both sides, from 10th Street to 11th Street (replaces meters on the north side of the street).
(Parking and Traffic Department)

(6/28/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3375).
(No Economic Impact)

ADOPTED

070981 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS – ESTABLISH
McAllister Street, eastbound and westbound, at Stanyan Street, making this uncontrolled intersection a two-way STOP; and,

Ora and Topaz Ways, making this intersection an all-way STOP. (Parking and Traffic Department)

(6/26/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3375.)
(No Economic Impact)

ADOPTED

070982 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

MULTIPLE RIGHT TURN LANE - RESCIND
New Montgomery Street, southbound, at Mission Street.

NO U-TURNS - ESTABLISH
Webster Street, northbound and southbound, at Clay Street. (Parking and Traffic Department)

(6/26/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3375.)
(No Economic Impact)

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

070972 **[Authorizing Donation of Obsolete Fire Engine and Ambulance to San Francisco City College]**

Resolution authorizing Fire Department to donate an obsolete fire engine and ambulance to the Fire Sciences Program at San Francisco City College. (Fire Department)

(No Economic Impact)

ADOPTED

070973 **[Contract to fund a drug research study]**

Resolution authorizing the San Francisco Department of Public Health (DPH) to enter retroactively into a new subcontract from the Public Health Foundation Enterprises, Inc. (PHFE) in the amount of $95,851 to fund a drug research study; for the period of March 1, 2007 through May 31, 2008. (Public Health Department)

(No Economic Impact)

ADOPTED

070974 **[Contract funds to support HIV vaccine and prevention research]**

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to enter retroactively into a new subcontract from the Public Health Foundation Enterprises, Inc. (PHFE) to support the research of the San Francisco Vaccine and Prevention Unit (SFVPU) in the amount of $162,376; for the period of January 1, 2007 through September 30, 2007. (Public Health Department)

(No Economic Impact)

Supervisor Ammiano requested to be added as a co-sponsor.

ADOPTED

070975 **[Recurring FY 2007-2008 State grant funds to the Department of Public Health from the California Department of Health Services]**

Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health (DPH) for FY 2007-2008. (Public Health Department)

(No Economic Impact)

ADOPTED

071000 **[Acceptance of State Grant Funds - Municipal Transportation Agency and the Department of Public Works]**

Supervisor Dufty

Resolution authorizing the Municipal Transportation Agency and the Department of Public Works to accept and expend state Transportation Development Act (TDA) Article 3 funds totaling $769,274 for FY 2007-08 for various pedestrian and bicycle projects in the City and County of San Francisco, excluding citywide indirect costs.

(No Economic Impact)

ADOPTED

071006 **[Grant of Regional Funds - Municipal Transportation Agency]**
Supervisor Jew

Resolution authorizing the Municipal Transportation Agency to accept and expend $600,000 of Regional Measure 2 funds for a Safe Routes to Transit project to construct safety improvements on Market Street.

(No Economic Impact)

ADOPTED

Recommendations of the Rules Committee

070976 **[Settlement of Lawsuit - Edwin Macon, Sr.]**
Ordinance authorizing settlement of the lawsuit filed by Edwin Macon, Sr. against the City and County of San Francisco for $225,000; the lawsuit was filed on August 14, 2006 in United States District Court, Northern District of California, Case No. C06-4904 SI; entitled Edwin Macon, Sr., et al., v. City and County of San Francisco, et al. (City Attorney)

(No Economic Impact)

PASSED, ON FIRST READING

070977 **[Settlement of Lawsuit - Pacific Bell Telephone Company]**
Ordinance authorizing settlement of the lawsuit filed by Pacific Bell Telephone Company against the City and County of San Francisco for $52,500.00; the lawsuit was filed on March 16, 2006 in San Francisco County Superior Court, Case No. 450-385; entitled Pacific Bell Telephone Company v. City and County of San Francisco, et al; there are no other material terms of said settlement. (City Attorney)

(No Economic Impact)

PASSED, ON FIRST READING

070978 **[Settlement of Lawsuit - Nawal Rizkallah]**
Ordinance authorizing settlement of the lawsuit filed by Nawal Rizkallah against the City and County of San Francisco for $100,000; the lawsuit was filed on April 3, 2006 in San Mateo Superior Court, Case No. 453874; entitled Nawal Rizkallah v. City and County of San Francisco, et al. (City Attorney)

(No Economic Impact)

PASSED, ON FIRST READING

070979 **[Settlement of Lawsuit - Ophelia Alvarez]**
Ordinance authorizing settlement of the lawsuit filed by Ophelia Alvarez against the City and County of San Francisco for $117,500; the lawsuit was filed on November 7, 2005 in San Francisco Superior Court, Case No. 446448; entitled Alvarez, et al., v. City and County of San Francisco, et al. (City Attorney)

(No Economic Impact)

PASSED, ON FIRST READING

070994 **[Settlement of Lawsuit - Dave Alba et al.]**

Ordinance authorizing the settlement of a lawsuit filed by Dave Alba et al., acting for themselves and others similarly situated, against the City and County of San Francisco for $625,000.00; the lawsuit was filed on April 22, 2005, in the United States District Court for the Northern District, Case No. C05-01667, entitled Dave Alba, et al., v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

071062 **[Settlement of Lawsuit - Pacific Gas and Electric Company]**

Ordinance authorizing settlement of the lawsuit filed by Pacific Gas & Electric ("PG&E") against the City and County of San Francisco for $818,000, plus interest through the date of entry of judgment; the lawsuit was filed on September 12, 2005 in San Mateo Superior Court, Case No. CGC-05-449522; entitled Pacific Gas and Electric Company v. City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation For Entry Of Judgment In Condemnation (and exhibits thereto), contained in Board of Supervisors File No. 071062. (City Attorney)

PASSED, ON FIRST READING

070995 **[Settlement of Claim - Alexa Internet]**

Resolution approving the settlement of the unlitigated Claim No. 07-02244 filed by Alexa Internet on February 28, 2007 against the City and County of San Francisco for business payroll tax refund under the Federal Enclave Presidio Exemption in the amount of $86,586.87. (City Attorney)

ADOPTED

071068 **[Appointment - Bicycle Advisory Committee]**

Resolution appointing Andrew Bindman, term ending November 19, 2008, to the Bicycle Advisory Committee.

Andrew Bindman, succeeding Andrew Bindman, term expired, seat 1, must be a nominee of District 1 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for the unexpired portion of a two-year term ending November 19, 2008.

ADOPTED

071043 **[Appointment - Commission on the Aging Advisory Council]**

Resolution appointing Vera Haile, term ending March 31, 2009, to the Commission on the Aging Advisory Council.

Vera Haile, succeeding herself, term expired, seat 8, must be a nominee of District 1 Supervisor, for the unexpired portion of a two-year term ending March 31, 2009.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From the Consent Agenda

Recommendation of the Government Audit and Oversight Committee

Supervisor Daly requested that this matter be severed so that it might be considered separately.

070680 **[Administrative Penalties and Fees for Fare Evasion or Passenger Misconduct Offenses]**
Supervisor Peskin

Ordinance amending San Francisco Traffic Code Sections 127, 128, 128.1, 128.1-A, 128.2, and 128.3 to clarify the definition of "Proof of Payment" and impose administrative penalties and fees for certain types of fare evasion or passenger misconduct offenses instead of criminal penalties where authorized by state law, and authorizing the Municipal Transportation Agency's Board of Directors to set the specific penalty and fee amounts.

Continued to September 11, 2007

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of Land Use and Economic Development Committee

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

070829 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations.

TOW AWAY, NO PARKING ANYTIME ESTABLISH
Raccoon Drive, both sides, between Twin Peaks Boulevard and Crown Court. (Parking and Traffic Department)

Continued to September 11, 2007

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

070314 **[CEQA Findings in Connection with the Trans Bay Cable Project]**
Supervisors Peskin, Maxwell

Resolution of the Board of Supervisors, acting as responsible agency with respect to the Trans Bay Cable Project Final Environmental Impact Report, adopting findings pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines in connection with the proposed Trans Bay Cable Project, portions of which would be located within submerged lands and a portion of 23rd Street that are in the City and County of San Francisco and under the Port of San Francisco's jurisdiction.

Resolution No. 413-07

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Mirkarimi

070315 **[Trans Bay Cable Project Non-Exclusive Licenses]**
Supervisors Peskin, Maxwell

Resolution approving (1) Port Commission License No. 14324, a non-exclusive license for the use of property consisting of approximately 9.4 miles of submerged lands, a small portion of shoreline along 23rd Street, and a portion of 23rd Street to install a 400 MW high voltage transmission line, with a term of four years and consideration including license payments to the Port in excess of $1.26 million and payments to the San Francisco Public Utilities Commission equaling $3.5 million, and (2) Port Commission License No. 14325, a non-exclusive license for use of the property for operation of the transmission line with a term of twenty-five years with an option to renew for ten years and consideration including license payments to the Port in excess of $1.2 million dollars annually, public benefit payments to Port equaling $5.5 million and payments to the San Francisco Public Utilities Commission in excess of $20 million to implement, advance, promote or enhance policies and projects consistent with City Energy Policies, both between Trans Bay Cable LLC and the City and County of San Francisco acting by and through the San Francisco Port Commission and the Mayor's Office of Economic and Workforce Development.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Resolution No. 414-07

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Mirkarimi

070412 [Public Works - Encroachment under 23rd Street between Illinois Street and the SF Bay]
Supervisors Peskin, Maxwell

Resolution granting revocable permission to Trans Bay Cable LLC to occupy a portion of the public right-of-way to install underground DC cable under 23rd Street, east of Illinois Street, to allow transmission of electrical power from Trans Bay Cable's Pittsburg Converter Station to its San Francisco Converter Station, which is proposed to be located at 435 23rd Street (Assessor's Block 4232, Lot 010), conditioned on payment of an annual assessment fee in an amount to be determined pursuant to Public Works Code section 786.7, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

Resolution No. 415-07

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Ammiano, Mirkarimi

070701 [Approval of an historical property contract for 1735 Franklin Street - the Bransten House]
Supervisors Peskin, Dufty

Resolution under Chapter 71 of the San Francisco Administrative Code, approving an historical property contract between Tad and Masumi Oride, the owners of San Francisco Landmark No. 126 located at 1735 Franklin Street (the Bransten House) and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract. (Planning Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071052 [Issuance and Sale of Tax-Exempt Bonds - San Francisco Friends School]
Supervisor Dufty

Resolution approving the issuance and sale of tax-exempt bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $27,100,000 to finance various capital facilities owned by San Francisco Friends School or an affiliate.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071053 [Approval to Execute the Lease Agreement between the San Francisco International Airport and Verified Identity Pass, Inc. for Registered Traveler Services]
Supervisor Elsbernd

Resolution approving and authorizing the Lease Agreement between the San Francisco International Airport and Verified Identity Pass, Inc. for Private Sector Registered Traveler Services for approximately five years three months commencing on a date to be mutually agreed upon but no later than October 1, 2007 through December 31, 2012.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071064 **[Raising Office Depot's contract not-to-exceed amount to more than $10 million]**

Resolution approving the Third Amendment to the Agreement between the City and County of San Francisco (City) and Office Depot (Contractor) for office supplies, increasing the contract's not-to-exceed amount to more than $10 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the City Operations and Neighborhood Services Committee

070920 **[Directing the San Francisco Public Utilitities Commission to create and implement a city-wide program to track water usage by City department]**

Supervisor Alioto-Pier

Resolution directing the San Francisco Public Utilities Commission to create and implement a city-wide program to track water usage, water conservation, and use of recycled water use by City Departments.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government Audit and Oversight Committee

070997 **[MOU, San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1)]**

Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1), to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact)
(No Economic Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070998 **[MOU, San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2)]**

Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2), to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact)
(No Economic Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

071113 [Public Hearing - DPH Reinspection Fee Liens]

Hearing of persons interested in or objecting to the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board members. Scott Nakamura, DPH reviewed the report with the Board and informed the Board that changes had been made to the report.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

071114 [Unpaid DPH complaint reinspection fee liens to become special assessments to the property taxes]

Resolution confirming the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon. (Public Health Department)

Report was revised.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

SPECIAL ORDER 3:00 P.M.

071115 [Public Hearing - DPH Delinquent Refuse Service Payment Liens (Garbage Liens)]

Hearing of persons interested in or objecting to report of delinquent charges for refuse collection service and nuisance removal costs submitted by the Director of Public Health, as modified to the date of adoption of this resolution, and creating special assessments and liens based thereon. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board members. Scott Nakamura, DPH reviewed the report with the Board and informed the Board that changes had been made to the report.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

071116 [Unpaid DPH Delinquent Refuse Service payment liens to become special assessments to the property taxes]

Resolution confirming report of delinquent charges for refuse collection service and nuisance removal costs submitted by the Director of Public Health, as modified to the date of adoption of this resolution, and creating special assessments and liens based thereon. (Public Health Department)

Report was revised.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

071147 **[Public Hearing - DBI Special Assessment of Liens for Code Enforcement Cases]**

Hearing of persons interested in or objecting to report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of costs, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18, 102.19 et Seq., 103.3.3 Section 108, Section 110 – Tables 1-K and 1-G, and Sections 3407.7.1.3, 3407.7.1.4, 3407.7.1.5, and 3407.7.1.6 et seq., of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of costs thereof having accrued pursuant to Code Violations referenced above. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board members.
Alan Davis, Department of Building Inspection reviewed the report with the Board and informed the Board that changes had been made to the report.
Silvia Johnson
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

071148 **[Special Assessment of Liens for Assessment of Cost]**

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18, 102.19 et seq., 103.3.3 Section 108, Section 110 – Tables 1-K and 1-G, and Sections 3407.7.1.3, 3407.7.1.4, 3407.7.1.5, and 3407.7.1.6 et seq., of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of costs thereof having accrued pursuant to Code Violations referenced above.

Report was revised.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 3:30 P.M.

070985 **[Public Hearing - Appeal of Tentative Final Map for 3150 Geary Boulevard]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated June 21, 2007, affirming the approval of Tentative/Final Map for a new 8 unit mixed-use condominium project located at 3150 Geary Boulevard, Lot 028 in Assessor's Block No. 1066. (Appellants: Jerome Marks on behalf of Kok-Po (Sam) Ng and Lily Chan Ng, and Kurt Link and Maria R. Link)

The President inquired as to whether or not any member of the public wished to address the Board members.
John Kao, Attorney for the owner applicant
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Parcel Map described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070986 **[Approving decision of the Director of Public Works and approving the Tentative Map for 3150 Geary Boulevard]**

Motion approving the decision of the Director of Public Works, finding the Tentative Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Map for an 8-unit subdivision located at 3150 Geary Boulevard, Lot 028 in Assessor's Block 1066. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070987 **[Disapproving decision of the Director of Public Works and disapproving the Tentative Map for 3150 Geary Boulevard]**

Motion disapproving the decision of the Director of Public Works concerning an 8-unit Tentative Map located at 3150 Geary Boulevard, Lot 028 in Assessor's Block 1066 and disapproving the subdivision. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070988 **[Findings - 3150 Geary Boulevard Tentative Map]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Map for an 8-unit subdivision located at 3150 Geary Boulevard, Lot 028 in Assessor's Block 1066. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisors Daly and Mirkarimi were noted absent at 3:45 p.m.

Supervisor Dufty Excused From Voting

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved to excuse Supervisor Dufty, at his request because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Dufty

SPECIAL ORDER 4:00 P.M.

Supervisor Mirkarimi was noted present at 4:05 p.m.

070905 [Public Hearing - Appeal of Mitigated Negative Declaration - 601 Duboce Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department adopted and issued on June 7, 2007, approving a Mitigated Negative Declaration (File No. 2004.0603E), for the proposed development project at 601 Duboce Avenue.

(Filed June 19, 2007; Appellant; Nicole M. Phillips on behalf of Service Employees International Union, United Health Care) companion measure to Files 070906, 070907, 070908, District 8.)

The President inquired as to whether or not any member of the public wished to address the Board members.
Nicole Phillips, Service Employees International
Tay Via, California Pacific Medical Center, Project Sponsor opposed to the request for a continuance
Sue Hestor, Attorney for the Conditional Use appeal requesting a continuance. (Items 47-50)
Richard McGary, opposed to a continuance
Continued to September 18, 2007

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 5 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Elsbernd, Jew, Sandoval
Absent: 1 - Daly
Excused: 1 - Dufty

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the mitigated negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070906 **[Affirming adoption of the mitigated negative declaration for 601 Duboce Avenue]**

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 601 Duboce Avenue. (Clerk of the Board)

Continued to September 18, 2007

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 5 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Elsbernd, Jew, Sandoval
Absent: 1 - Daly
Excused: 1 - Dufty

070907 **[Reversing adoption of the mitigated negative declaration for 601 Duboce Avenue]**

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 601 Duboce Avenue. (Clerk of the Board)

Continued to September 18, 2007

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 5 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Elsbernd, Jew, Sandoval
Absent: 1 - Daly
Excused: 1 - Dufty

070908 **[Preparation of findings to reverse adoption of the mitigated negative declaration for 601 Duboce Avenue]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 601 Duboce Avenue. (Clerk of the Board)

Continued to September 18, 2007

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 5 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Elsbernd, Jew, Sandoval
Absent: 1 - Daly
Excused: 1 - Dufty

SPECIAL ORDER 4:00 P.M.

071024 **[Public Hearing - Conditional Use Appeal for 601 Duboce Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Director by Motion No. 17444 dated June 7, 2007 (Case No. 2004.0603CE), approving conditional use authorization under Planning Code Section 303 and 304 to amend a previously approved conditional use authorization for a planned unit development and annual limit review for office development (Case No. 1987.847BC, Motion No. M13254 and M13255) and develop a new four story, 50,075 gross-square-feet (gsf), medical clinic and office building. The new building would contain medical offices, a Neuromuscular and Electroencephalogram Clinic, circulation/mechanical/support space, a pharmacy, an admitting station, located on the fourth story that connects to the existing adjacent ambulatory surgery department in the CPMC Hospital North Tower. As a Planned Unit Development, the project is seeking modifications to Planning Code requirements for rear yard and independently accessible parking. The property is in an RH-3 (Residential, House, Three-Family) Use District. While the five-story hospital north tower is the only building located in the 130-E Height and Bulk District portion of the site, the remaining portion (including the location of the project) is in the 65-D Height and Bulk District on property located at: 601 Duboce Avenue; Lot 001 in Assessor's Block 3539. (Appellant: Seabrook Leaf)

(Filed 7/9/07; companion measure to Files 071025, 071026, 071027; District 8.)

The President inquired as to whether or not any member of the public wished to address the Board members.
Sue Hestor, Attorney for the Conditional Use appeal requesting a continuance (Items 47-50)
Continued to September 18, 2007

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 5 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Elsbernd, Jew, Sandoval
Absent: 1 - Daly
Excused: 1 - Dufty

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

071025 **[Approving Conditional Use Application for property located at 601 Duboce Avenue]**

Motion approving decision of the Planning Commission by its Motion No. 17444, approving Conditional Use Application 2004.0603CE on property located at 601 Duboce Avenue, and adopting findings pursuant to Planning Code Section 101.1.

Continued to September 18, 2007

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 5 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Elsbernd, Jew, Sandoval
Absent: 1 - Daly
Excused: 1 - Dufty

071026 **[Disapproving Conditional Use Application for property located at 601 Duboce Avenue]**

Motion disapproving decision of the Planning Commission by its Motion No. 17444, approving Conditional Use Application 2004.0603CE on property located at 601 Duboce Avenue.

Continued to September 18, 2007

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 5 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Elsbernd, Jew, Sandoval
Absent: 1 - Daly
Excused: 1 - Dufty

071027 **[Findings - 601 Duboce Avenue Conditional Use Application Appeal]**

Motion directing the Clerk to prepare findings related to the proposed Conditional Use Application 2004.0603CE on property located at 601 Duboce Avenue.

Continued to September 18, 2007

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 5 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Elsbernd, Jew, Sandoval
Absent: 1 - Daly
Excused: 1 - Dufty

SPECIAL ORDER 4:30 P.M.

071031 **[Public Hearing - Conditional Use Appeal for 4041 Geary Boulevard]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17448 dated June 14, 2007, approving Conditional Use Application No. 2007.0286C, subject to certain conditions, to allow the establishment of a Formula Retail Use (dba Starbucks, retail coffee store), with approximately 750 square feet in floor area in a vacant commercial space located in a recently approved auto service and repair shop (dba"Service Center for San Francisco Toyota"), a one-story commercial building. The project site is located in an NC-3 (Moderate Scale) Neighborhood Commercial District and a 40-X Height and Bulk District on property located at 4041 Geary Boulevard, Lot 050 on Assessor's Block 1540. (Appellant: Jesse Fink, Clement Street Merchant Association.)

(Filed 7/11/07; companion meaure to Files 071032, 071033, 071034; District 1.)

The President inquired as to whether or not any member of the public wished to address the Board members.
Jesse Fink, Appellant
Doug Donnell, SF Toyota; opposed to a continuance
Leeman Abrams, Starbucks; not opposed to a continuance
Silvia Johnson
Male speaker; support of the project sponsor
Female speaker; support of the appellant
Brian McKenna; support of the appellant
Maggie Lynch: support of the appellant
Mark Siegel; support of the project sponsor
Maggie May; support of the appellant
Judy Anderson; support of the appellant
Chang; support of the appellant
Female speaker; support of the appellant
Female speaker; support of the appellant
Diana Mars; support of the appellant
Ernie Ronsten; support of the appellant
Liz McFarland; support the continuance and support of the project sponsor
Max Fink; support of the appellant
Frank Vasquez; support of the project sponsor
Roberta Mendish; support of the appellant
Eric Mar; support of the appellant
David; support of the appellant
Male speaker; support of the appellant
Lisa; support of the appellant
Wendy Hom; support of the appellant
Adam; support of the appellant
Female speaker; support of the appellant
Female speaker; support of the appellant
Tracy; support of the project sponsor and a continuance
Karen Vance; support of the project sponsor
Female speaker; support of the appellant

Continued to September 11, 2007 at 4:30 p.m.

Supervisor McGoldrick, seconded by Supervisor Sandoval, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

071032 [Approving Planning Commission decision related to Conditional Use Appeal for 4041 Geary Boulevard]

Motion approving decision of the Planning Commission by its Motion No. 17448, approving Conditional Use Application No. 2007.0286C on a property located at 4041 Geary Boulevard, and adopting findings pursuant to Planning Code Section 101.1.

Continued to September 11, 2007 at 4:30 p.m.

Supervisor McGoldrick, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

071033 [Disapproving Planning Commission decision related to Conditional Use Appeal for 4041 Geary Boulevard]

Motion disapproving decision of the Planning Commission by its Motion No. 17448, approving Conditional Use Application No. 2007.0286C on a property located at 4041 Geary Boulevard, and adopting findings pursuant to Planning Code Section 101.1.

Continued to September 11, 2007 at 4:30 p.m.

Supervisor McGoldrick, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

071034 [Preparation of findings related to the Conditional Use Appeal for 4041 Geary Boulevard]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2007.0286C on a property located at 4041 Geary Boulevard, for action by the Board at its next meeting.

Continued to September 11, 2007 at 4:30 p.m.

Supervisor McGoldrick, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

COMMITTEE REPORTS

070993 **[Settlement of Lawsuit - Francisco Moreno, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Francisco Moreno, Maria Govea, Mauricio Moreno and Nancy Moreno against the City and County of San Francisco for $112,000; the lawsuit was filed on November 18, 2005 in United States District Court, Case No. C05-4752; entitled Francisco Moreno, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to a former Supervisor remarks
James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; expressed in song issues with the Board
Female speaker; expressed concern issues relating to high rise buildings in San Francisco
Male speak; expressed concern with general issues in San Francisco
Richard Dupree; expressed concern with issues relating to the Sigmond Stern Grove design
Peter Warfield; expressed concern with issues relating to the SF Public Library
Silvia Johnson; expressed concern with general issues in San Francisco
Male speaker; expressed concern with issues relating to the homeless
Male speaker; expressed concern with issues relating to the killing of the Mr. Bailey in Oakland

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

071118 **[Legislative Analyst Request - Graffiti Abatement Program]**
Supervisor Sandoval

Motion requesting the Legislative Analyst to draft a model graffiti abatement program for implementation by the City and County of San Francisco; to research the efforts of other city and/or county municipalities directed toward graffiti abatement; including: outreach, programs, prevention and deterrence, penalties, fines and any or all related programs or efforts; to report back its findings to the Board of supervisors and provide a copy of its findings to the Graffitti Advisory Board.

APPROVED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Daly, Sandoval

Supervisors Daly and Mirkarimi were noted absent at 3:45 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

071137 **[Supporting the resource efficient building conference and expo West Coast Green]**
Supervisor Mirkarimi

Resolution supporting the conference and expo West Coast Green, held in San Francisco at the Bill Graham Civic Auditorium.

Supervisor Ammiano requested to be added as a co-sponsor.
ADOPTED

071138 **[Phil Frank Day - July 31, 2007]**
Supervisor Peskin

Resolution declaring July 31, 2007 as Phil Frank Day.

ADOPTED

071140 **[Approval of a 45 day extension for Planning Commission review]**
Supervisor Alioto-Pier

Resolution extending by 45 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code Sections 790.55, 249.5, 781.8, 781.9, and 783 to remove grocery stores and other similar uses from prohibitions placed on the establishment of liquor stores in certain districts; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

Supervisor Ammiano requested to be added as a co-sponsor.
ADOPTED

071141 **[Non Profit Appreciation Day - August 18, 2007]**
Supervisor Peskin

Resolution proclaiming August 18, 2007 as Nonprofit Appreciation Day in San Francisco.

ADOPTED

071142 **[Approval of a 60-day extension for Planning Commission review]**
Supervisor Maxwell

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance that would amend the Planning Code regarding institutional master plan review for medical institutions.

ADOPTED

071144 **[Local support for Leland Avenue Streetscape Improvements Project]**
Supervisor Maxwell

Resolution authorizing local support for the Leland Avenue Streetscape Improvements Project, designating DPW as the eligible sponsor for funding related to this project, and taking other official acts in furtherance of this project.

ADOPTED

071143 **[Accept and Expend Regional Grant - Department of the Environment]**
Supervisor Maxwell

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $35,000 from the Environmental Protection Agency for the purpose of implementing the Bayview Hunters Point (BVHP) Healthy Homes Project.

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Mirkarimi

071101 **[Final Map 4039 - Candlestick Cove]**

Motion approving Final Map 4039, being a Merger and Resubdivision for Condominium purposes of Lots 241 and 279 of Assessor's Block No. 4991, City and County of San Francisco and adopting findings pursuant to the General Plan and the City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,994; District 10.)

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Mirkarimi

071112 **[Final Map for Blocks 26-28, Phase II, Planned Development, Mission Bay South]**

Motion approving Final Map Tract 4141, Planned Development, Mission Bay (Blocks 26-28), a seven-lot subdivision project, being phase II of a subdivision of Lot 1 in Assessor's Block 8721; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan and Plan Documents. (Public Works Department)

(DPW Order 177,026; District 6.)

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Mirkarimi

The foregoing items were acted upon by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Mirkarimi

Severed From the Without Reference to Committee Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

071100 **[Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 6, 2007 Election]**

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for Charter Amendments approved by the Board of Supervisors for submittal to the voters at the November 6, 2007 Election. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Mirkarimi

Continued to August 14, 2007

CONTINUED AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Mirkarimi

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Maxwell, seconded by Supervisor Jew, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Maxwell, seconded by Supervisor Jew, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Mirkarimi

071173 **[Proclaiming Sue Bierman Remembrance Day]**
Supervisors Mirkarimi, Ammiano, Dufty, Elsbernd, Maxwell

Resolution proclaiming August 11th, 2007 Sue Bierman Remembrance Day.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

071149 **[Planning Code-Amending Article 11 Designation of 225-227 Front Street]**
Ordinance amending the designation of 225-227 Front Street (Assessor's Block 0237, Lot 005) from Category V (Unrated) to Category IV (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)
7/26/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

071156 [Planning Code Amendments to implement the Van Ness and Market Downtown Residential Special Use District]

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by adding Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

7/30/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/30/2007.

071157 **[Planning Code Amendments to implement the Market and Octavia Area Plan]**

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by amending Section 102.5 (District); Section 121.1 (Development on Large Lots, Neighborhood Commercial Districts); Section 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts); Section 124 (Basic Floor Area Ratio); Section 132 (Front Setback); Section 134 (Rear Yards); Section 135 (Usable Open Space For Dwelling Units and Group Housing); Section 144 (Treatment of Ground Story On Street Frontages); Section 145.1 (Street Frontages, Neighborhood Commercial Districts); Section 145.4 (Street Frontages Downtown and Mixed-Use Districts); Section 151.1 (Schedule of Required Off-Street Parking Spaces); Section 152. (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market); Section 153 (Rules for Calculation of Required Spaces); Section 154 (Minimum dimensions for required off-street parking, freight loading and service vehicle spaces); Section 155 (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities); Section 156 (Parking Lots); Section 166 (Requirements for Provision of Car-Share Parking Spaces); Section 167 (Parking Costs Separated from Housing Costs in New Residential Buildings); Section 201 (Classes of Use Districts); Section 207.1. (Rules For Calculation Of Dwelling Unit Densities); Section 207.4 (Density of Dwelling Units in Neighborhood Commercial Districts); Section 208 (Density Limitations for Group Housing); Section 209.1-209.9 (Uses Permitted in RTO Districts); Section 234.2 (Requiring CU Authorization for specified uses in P Districts within the Market and Octavia Neighborhood Area); Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in R Districts); Section 270 (Bulk Limits: Measurement); Section 303 (Conditional Uses: Determination); Section 304 (Planned Unit Developments: Criteria and Limitations); Section 311 (Residential Permit Review Procedures for RH and RM Districts: Applicability); Section 316 (Procedures for Conditional Use Authorization in Neighborhood Commercial and South of Market Districts and for Live/Work Units in RH, RM, and RTO Districts); Section 603 (Exempted Signs); Section 606 (Residential Districts); Section 702.1 (Neighborhood Commercial Use Districts); Section 720.1 (Hayes-Gough Neighborhood Commercial Transit District) to conform these sections with the new VNMDR-SUD, NCT and RTO district controls; and adding new zoning districts and a new special use district including Section 121.5 to establish controls for Development on Large Lots in Residential Districts; Section 121.6 to restrict lot mergers in residential districts and on pedestrian-oriented streets; Section 158.1 related to Non-accessory Parking Garages in NCT and RTO Districts and the Van Ness and Market Downtown Residential Special Use District; Section 206.4 to establish the Transit-Oriented Residential District (RTO); Section 207.6 related to Required Minimum Dwelling Unit Mix and Unit Subdivision Restrictions in RTO and NCT Districts; Section 207.7 relating to Restrictions on Demolition, Conversion, and Merger of Existing Dwelling Units in RTO and NCT Districts; Section 230 establishing Limited Corner Commercial Uses in RTO Districts; Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD); Section 249.34 Fulton Street Grocery Store Special Use District; Section 261.1 related to Additional Height Limits for Narrow Streets and Alleys in RTO and NCT Districts; Section 263.18 creating a Special Height Exception: Additional Five Feet Height for Ground Floor uses in NCT 40-X and 50-X Height and Bulk Districts; Section 263.20 Special Height Exceptions: Fulton Street Grocery Store Special Use District 40-X/50-X Height District; Sections 326-326.8 establishing the Market and Octavia Community Improvements Fee and Fund; Sections341-341,4 establishing a Better Neighborhoods Area Plan Monitoring Program; Sections 731 and 731.1 creating an NCT-3 Moderate-Scale Neighborhood Commercial Transit District; Sections 732 and 732.1 creating the Upper Market Street Neighborhood Commercial Transit District; adding an uncodified Section 4 calling for a study and implementation of an additional affordable housing program, and providing that this ordinance and the accompanying Market and Octavia General Plan amendments and zoning map amendments will not be effective until the effective date of such a program adopted by the Board of Supervisors; and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

7/30/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/30/2007.

071158 **[Approving General Plan Amendments Related to Market & Octavia Area Plan]**

Ordinance amending the San Francisco General Plan by adding a new area plan entitled the Market & Octavia Area Plan, and approving General Plan amendments to implement the Market and Octavia Neighborhood Plan by amending the Commerce and Industry, Housing, Recreation and Open Space and Transportation Elements, the Civic Center Area Plan, Downtown Area Plan, South of Market Area Plan, and the Land Use Index; providing the ordinance shall not be effective until the effective date of an additional affordable housing program for the Market and Octavia area plan to be adopted by the Board of Supervisors; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

7/30/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/30/2007.

071159 **[Zoning Map Amendment in connection with the Market and Octavia Area Plan]**

Ordinance amending Zoning Map Sheets 2, 2H, 2SU and 7, 7H, and 7SU of the City and County of San Francisco Planning Code to eliminate use districts and height and bulk districts within the Market and Octavia Plan Area; replacing them with revised use districts, height and bulk districts, and special use districts, consistent with those proposed in the Market and Octavia Area Plan; providing the ordinance shall not be effective until the effective date of an additional affordable housing program for the Market and Octavia area plan to be adopted by the Board of Supervisors; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

7/30/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/30/2007.

PROPOSED RESOLUTIONS

071155 **[Approval of one-year extension of professional services contract for the San Francisco Treasurer/Tax Collector for interactive voice response ("IVR") payment services for various City and County departments]**

Resolution approving one-year extension of professional services contract for the San Francisco Treasurer/Tax Collector for services to process credit card payment applications on interactive voice response ("IVR") systems for various City and County departments. (Treasurer-Tax Collector)

7/30/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED MOTIONS

ADJOURNMENT

There being no further business the Board adjourned at the hour of 5:04 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, August 14, 2007 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ED JEW, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Jew	2nd and 4th Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Ed Jew, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll Supervisor McGoldrick was noted absent.

There was a quorum.
Supervisor McGoldrick was noted present at 2:07 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the Meeting Minutes of July 17, 2007 and July 24, 2007. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

071057 [Accept-Expend Regional Grant - Airport Commission]
Mayor

Resolution authorizing the Airport Commission to accept and expend a grant of $609,711 from the Bay Area Air Quality Management District (Air District), and a matching grant of $500,000 from the California Department of Transportation for the retrofit of diesel buses by Airport transportation operators.

ADOPTED

071063 **[Authorizing the Committee on Information Technology to amend its contract with Central Computer Systems by more than $500,000]**

Resolution authorizing the Office of Contract Administration to enter into the Fifth Amendment to the Agreement between the City and Central Computer Systems (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract's not-to-exceed amount by more than $500,000. (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED

071077 **[Lease of Real Property at 400 McAllister Street]**

Resolution authorizing the lease of 1,118 square feet of space to the Nasra Family Partnership, in the Courthouse located at 400 McAllister Street on behalf of the Superior Court. (Real Estate Department)

ADOPTED

071078 **[Fire Department Eligibility Renewal Application for State and Federal Surplus Personal Property Program]**

Resolution authorizing the San Francisco Fire Department to apply to renew its eligibility for the State and Federal Surplus Personal Property Program. (Fire Department)

ADOPTED

071086 **[Multifamily Housing Revenue Bonds - Mason Street Apartments]**

Mayor

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed $28,000,000 for the purpose of providing financing for a multifamily rental housing project to be known as Mason Street Apartments; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to city officials to take actions necessary to implement this resolution; and related maters.

ADOPTED

071155 **[Approval of one-year extension of professional services contract for the San Francisco Treasurer/Tax Collector for interactive voice response ("IVR") payment services for various City and County departments]**

Resolution approving one-year extension of professional services contract for the San Francisco Treasurer/Tax Collector for services to process credit card payment applications on interactive voice response ("IVR") systems for various City and County departments. (Treasurer-Tax Collector)

ADOPTED

Recommendations of the Government Audit and Oversight Committee

070997 **[MOU, San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1)]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1), to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact)
(No Economic Impact)

FINALLY PASSED

070998 **[MOU, San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2)]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2), to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact)
(No Economic Impact)

FINALLY PASSED

Recommendations of the Rules Committee

070976 **[Settlement of Lawsuit - Edwin Macon, Sr.]**
Ordinance authorizing settlement of the lawsuit filed by Edwin Macon, Sr. against the City and County of San Francisco for $225,000; the lawsuit was filed on August 14, 2006 in United States District Court, Northern District of California, Case No. C06-4904 SI; entitled Edwin Macon, Sr., et al., v. City and County of San Francisco, et al. (City Attorney)

(No Economic Impact)

FINALLY PASSED

070977 **[Settlement of Lawsuit - Pacific Bell Telephone Company]**
Ordinance authorizing settlement of the lawsuit filed by Pacific Bell Telephone Company against the City and County of San Francisco for $52,500.00; the lawsuit was filed on March 16, 2006 in San Francisco County Superior Court, Case No. 450-385; entitled Pacific Bell Telephone Company v. City and County of San Francisco, et al; there are no other material terms of said settlement. (City Attorney)

(No Economic Impact)

FINALLY PASSED

070978 **[Settlement of Lawsuit - Nawal Rizkallah]**
Ordinance authorizing settlement of the lawsuit filed by Nawal Rizkallah against the City and County of San Francisco for $100,000; the lawsuit was filed on April 3, 2006 in San Mateo Superior Court, Case No. 453874; entitled Nawal Rizkallah v. City and County of San Francisco, et al. (City Attorney)

(No Economic Impact)

FINALLY PASSED

070979 **[Settlement of Lawsuit - Ophelia Alvarez]**

Ordinance authorizing settlement of the lawsuit filed by Ophelia Alvarez against the City and County of San Francisco for $117,500; the lawsuit was filed on November 7, 2005 in San Francisco Superior Court, Case No. 446448; entitled Alvarez, et al., v. City and County of San Francisco, et al. (City Attorney)

(No Economic Impact)

FINALLY PASSED

070993 **[Settlement of Lawsuit - Francisco Moreno, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Francisco Moreno, Maria Govea, Mauricio Moreno and Nancy Moreno against the City and County of San Francisco for $112,000; the lawsuit was filed on November 18, 2005 in United States District Court, Case No. C05-4752; entitled Francisco Moreno, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

070994 **[Settlement of Lawsuit - Dave Alba et al.]**

Ordinance authorizing the settlement of a lawsuit filed by Dave Alba et al., acting for themselves and others similarly situated, against the City and County of San Francisco for $625,000.00; the lawsuit was filed on April 22, 2005, in the United States District Court for the Northern District, Case No. C05-01667, entitled Dave Alba, et al., v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

071062 **[Settlement of Lawsuit - Pacific Gas and Electric Company]**

Ordinance authorizing settlement of the lawsuit filed by Pacific Gas & Electric ("PG&E") against the City and County of San Francisco for $818,000, plus interest through the date of entry of judgment; the lawsuit was filed on September 12, 2005 in San Mateo Superior Court, Case No. CGC-05-449522; entitled Pacific Gas and Electric Company v. City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation For Entry Of Judgment In Condemnation (and exhibits thereto), contained in Board of Supervisors File No. 071062. (City Attorney)

FINALLY PASSED

071042 **[Appointment - Immigrant Rights Commission]**

Resolution appointing Christopher Punongbayan, Angus McCarthy, Felix Fuentes, Falguni Sheth, and Toye Moses, terms ending June 6, 2009, to the Immigrant Rights Commission.

Christopher Punongbayan, succeeding Deborah Escobedo, term expired, seat 4, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2009.
Angus McCarthy, succeeding himself, term expired, seat 7, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2009.
Felix Fuentes, succeeding Samira McCoy, term expired, seat 8, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2009.
Falguni Sheth, succeeding Phu Nguyen, term expired, seat 10, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2009.
Toye Moses, succeeding himself, term expired, seat 11, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2009.

ADOPTED

071103 **[Appointment - Commission on the Aging Advisory Council]**

Resolution appointing Lila McCarthy, term ending March 31, 2008, to the Commission on the Aging Advisory Council.

Lila McCarthy, succeeding Robert Lipman, term expired, seat 1, must be a nominee of District 2 Supervisor, for the unexpired portion of a two-year term ending March 31, 2008.

ADOPTED

071105 **[Appointment - Assessment Appeals Board No. 2]**

Resolution appointing Margaret Ruxton, Mervin Conlan, and Richard Lee, terms ending September 6, 2010, to Assessment Appeals Board No. 2.

Margaret Ruxton, succeeding herself, term expiring September 3, 2007, seat 2, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board, for a new three-year term ending September 6, 2010.

Mervin Conlan, succeeding himself, term expiring September 3, 2007, seat 3, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board, for a new three-year term ending September 6, 2010.

Richard Lee, succeeding himself, term expiring September 3, 2007, seat 4, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board, for a new three-year term ending September 6, 2010.

ADOPTED

071110 **[Appointment - SRO Task Force]**

Resolution appointing Jorge Portillo, term ending December 31, 2009, to the SRO Task Force.

Jorge Portillo, succeeding Christina Olague, resigned, seat 5, must be a representative of the Mission SRO Collaborative, for the unexpired portion of a three-year term ending December 31, 2009.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

Called from the City Operations and Neighborhood Services Committee

060589 **[Liquor License Transfer, 845 Market Street, Space 010]**

Resolution determining that the transfer of a Type 21 off-sale general license from 1001 South Van Ness Avenue to 845 Market Street, basement of the San Francisco Centre, Space 010 to Bristol Farms Inc., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Continued to September 11, 2007

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Land Use and Economic Development Committee

070217 **[Zoning - Interim moratorium on installation of microcell equipment]**

Supervisors Peskin, Jew, Sandoval, McGoldrick, Maxwell, Daly, Mirkarimi, Ammiano, Dufty, Alioto-Pier, Elsbernd

Urgency Ordinance approving an interim zoning moratorium on installation of microcell equipment for 45 days and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendation of the Budget and Finance Committee

070921 [Amendments to Minimum Compensation Ordinance]
Supervisors Ammiano, Peskin, McGoldrick, Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Sections 12P.2, 12P.3, 12P.4, 12P.5, 12P.6, 12P.7, 12P.8 and, 12P.9 and by adding Sections 12P.5.1, 12P.6.1 and 12P.6.2, to amend the Minimum Compensation Ordinance by making both substantive and clarifying changes with respect to: the obligations imposed on Contractors; notification, investigation, auditing, inspection, enforcement and settlement procedures; the withholding of contract payments; provisions relating to waivers; certain definitions, including the definition of Covered Employees; procedures for automatic increases to the hourly wage rate; the assessment of liquidated damages; and the process for determining whether a Contractor has violated the Ordinance and for the administrative appeal of such determinations.

Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Jew

From the Budget and Finance Committee Without Recommendation

070961 [Recreation and Park Commission--Authorization to Modify Golf Course Hours and Fees; Creation of Golf Course Task Force]
Supervisor McGoldrick

Ordinance adding Section 12.46 to Article 12 of the San Francisco Park Code to authorize the Recreation and Park Commission to modify golf course hours and fees; and to create a Golf Course Task Force that will evaluate measures to reduce General Fund support for operation and maintenance of golf courses, and explore alternative revenue sources.

(No Economic Impact)

Supervisor Dufty dissented in Committee.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Continued to October 16, 2007

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071128 **[De-appropriating $45,717 of General Fund and Appropriating $45,717 for a Golf Course Task Force in the Department of Recreation and Park for Fiscal Year 2007-2008]**
Supervisor McGoldrick

Ordinance de-appropriating $45,717 for Golden Gate Park Stables in the Department of Recreation and Park, and appropriating $45,717 for a half-time 1823 Senior Administrative Analyst position to staff a Golf Course Task Force in the Department of Recreation and Park for Fiscal Year 2007-2008.

(Supervisor Dufty dissented in committee.)

Continued to October 16, 2007

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071129 **[Public Employment - Recreation and Park Department]**
Supervisor McGoldrick

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) to reflect the addition of one position (.37 FTE) Class 1823 - Senior Administrative Analyst in the Recreation and Park Department.

(Supervisor Dufty dissented in committee.)

Continued to October 16, 2007

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071065 **[Approving a contract in excess of $10 million]**

Resolution approving an Agreement between the City and County of San Francisco and Pioneer Americas LLC for sodium hypochlorite, a contract estimated to exceed $10 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071084 **[Renew Joint Power and Revolving Fund Contract with State]**
Supervisor Mirkarimi

Resolution authorizing the Department of the District Attorney to enter into a Joint Power and Revolving Fund Contract with the California Victim Compensation and Government Claims Board to: (1) contract for, accept and expend up to $1,184,530 allocated from the California Victim Compensation and Government Claims Board for the assistance of victims and witnesses of crime for the period of July 1, 2007 through June 30, 2009; and (2) renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving loan fund in the amount of $75,000 to be used to pay for verified funeral/burial expenses and emergency relocation for victims of domestic violence and sexual assault for an additional two years from July 1, 2007 through June 30, 2009.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

070213 **[Planning - public review process for wireless telecommunications services facilities as accessory uses]**
Supervisor Peskin

Ordinance amending the Planning Code Section 311 and 312 to apply the public review processes for building permit applications in R and NC Districts to wireless telecommunications services facilities permitted as accessory uses under Article 2 of the Planning Code, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070904 **[Permits for communications companies and equipment]**

Ordinance amending Chapter 11, Article 1 of the San Francisco Administrative Code by amending Sections 11.1 and 11.9 to authorize state video franchise holders and personal wireless service carriers to obtain utility conditions permits, requiring persons installing personal wireless service facilities in the public rights-of-way to obtain personal wireless service facilities site permits, imposing fees for personal wireless service facilities site permits, and making environmental findings. (Public Works Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

070505 **[Expanding Post-Employment Restrictions For Senior Mayoral Staff and Board Aides]**
Supervisor Peskin

Ordinance amending section 3.234 of the San Francisco Campaign and Governmental Conduct Code to prohibit individuals who have served as senior staff members to either the Mayor or a member of the Board of Supervisors from communicating with any representative of the City with the intent to influence a government decision for one year after they terminate employment with the City.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Daly was noted absent at 2:28 p.m.

070590 **[Requiring that individuals be provided access to Residential Hotels as visitors of guests and occupants to assist in "get out the vote" activities]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Section 41D.4, to require that individuals engaged in "get out the vote" activities be provided access to Residential Hotels as visitors of guests and occupants, on the same basis as any other visitor under the Uniform Visitor Policy.

(Supervisor Elsbernd Dissenting in Committee)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Jew
Absent: 1 - Daly

070884 **[Reorganization of the Family Violence Council to concentrate on child abuse and elder abuse in addition to domestic violence]**
Mayor, Supervisors Maxwell, Alioto-Pier

Ordinance amending Article XIX of the San Francisco Administrative Code to change the focus of the Family Violence Council to include child abuse and senior/adult dependent abuse in addition to domestic violence; reducing the membership of the Council's steering committee from ten members to three members (the three co-chairs of the Council); reducing the membership of the Council from 45 members (35 of whom are selected by the Steering Committee and 10 of whom are specified public officials or directors of nonprofit agencies, or their designees) to 19 members (17 required members who are specified public officials or directors of nonprofit agencies, or their designees, and 2 of whom are optional, at-large members appointed by the Steering Committee); eliminating the advisory committee to the Council and assigning the duties currently performed by the advisory committee to the Council as a whole; and deleting that portion of the Ordinance that allows the Council to establish an Interagency Domestic Violence Death Review Team.

(No Economic Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070593 [SRO Voter Education and Registration]
Supervisor Mirkarimi

Resolution urging increased voter education and registration outreach to SRO residents by the Department of Elections and urging SRO managers and owners to facilitate access for these purposes.

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Absent: 1 - Daly

071104 [Appointment - Assessment Appeals Board No. 1]

Resolution appointing Jeffrey Morris, term ending September 6, 2010, to Assessment Appeals Board No. 1.

Jeffrey Morris, succeeding Peter Fatooh, term expiring September 3, 2007, seat 1, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for a three-year term ending September 6, 2010.
(Supervisor Elsbernd Dissenting in Committee)

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Absent: 1 - Daly

071109 [Appointment - SOMA Community Stabilization Fund Community Advisory Committee]

Resolution appointing Jazzie Collins, Ada Chan, and Angelica Cabande, terms ending April 27, 2009, to the SOMA Community Stabilization Fund Community Advisory Committee, San Francisco elector requirement waived.

Jazzie Collins, succeeding herself, term expired, seat 3, must be a senior or disabled resident of SOMA, for the unexpired portion of a two-year term ending April 27, 2009.
Ada Chan (San Francisco elector requirement waived), succeeding herself, term expired, seat 4, must have affordable housing expertise and familiarity with the SOMA neighborhood, for the unexpired portion of a two-year term ending April 27, 2009.
Angelica Cabande (San Francisco elector requirement waived), succeeding Donald Frazier, resigned, seat 5, must represent a community-based organization in SOMA, for the unexpired portion of a two-year term ending April 27, 2009.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

071200 **[Appointment - Assessment Appeals Board No. 1]**

Resolution appointing Carol Ruth Silver, term ending September 6, 2010, to Assessment Appeals Board No. 1.

Carol Ruth Silver, succeeding herself, term expiring September 3, 2007, seat 4, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for a three-year term ending September 6, 2010.
(Supervisor Peskin Dissenting in Committee)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

From the Rules Committee Without Recommendation

070666 **[Allowing for closed sessions of the Board of Supervisors to discuss information related to matters posing a threat to public facilities]**
Supervisor Alioto-Pier

Motion amending Rule 1.8 of the Rules of Order to allow for closed sessions of the Board of Supervisors to discuss information related to matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

SPECIAL ORDER 3:00 P.M.

Supervisor Dufty Excused From Voting

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved to excuse Supervisor Dufty, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

071028 [Public Hearing - Landmark Appeal, U.C. Extension Center, 55 Laguna Street (formerly San Francisco State Teachers College)]

Hearing of persons interested in or objecting to (1) the decision of the Planning Commission by its Resolution No. 17445 adopted June 7, 2007, disapproving the proposal of the Landmarks Preservation Advisory Board to designate the U.C. Extension Center as a San Francisco Landmark on property located at 55 Laguna Street (formerly San Francisco State Teachers College); Lots 001, 001A in Assessor's Block 0857 and Lots 001, 002, and 003 in Assessor's Block 0870. (Appellants: Robert W. Cherny, Acting President, Landmarks Preservation Advisory Board filed on July 2, 2007 and F. Joseph Butler on behalf of the San Francisco Preservation Consortium filed on July 6, 2007.) or (2) designation by the Board of Supervisors of the U.C. Extension Center, located at 55 Laguna Street, Lots 001, 001A in Assessor's Block 0857 and Lots 001, 002 and 003 in Assessor's Block 0870 as a San Francisco Landmark.

(Filed July 2 and 6, 2007; Companion measure to 071029, 071030, 071081; District 8.)

The President inquired as to whether or not any member of the public wished to address the Board members.

Mary Maley, President, Landmarks Preservation Board, Appellant
Joe Butler; support of the appellant
Steve Zeltzer; support of appellant
Pamela; support of the appellant
Commissioner Alan Martinez, Landmarks Advisory Board; appellant
Commissioner Bill Sigawa, Landmarks Advisory Board; appellant
Louis Dillon; support of the appellant
Dr. Carol Roland; support of appellant
Male speaker; support of the appellant
Tamara Colby; support of the appellant
Cynthia Servetnick; support of the appellant
Lavon Taback; support of the appellant
Charles Chase; support of the appellant
See White Feather; support of the appellant
Jim Marchese; support of the appellant
Silvia Johnson; support of the appellant
Judith Hoyen; support of the appellant
Lynn Ellman; support of the appellant
Eugene Gordon Jr.; support of the appellant
Marla; support of the appellant
Peter Lewis; support of the appellant
Male speaker; support of the appellant
Arnold Price; support of the appellant

Tara Sullivan-Lenane, Planning Department Representative reviewed with the Board the Planning Department's recommendation.

Ruthie Bennett, Representative of A.F. Evans, Project Sponsor
Jay Turnbull; support of the project sponsor
Elizabeth Gunther, Office of the General Counsel for the University of California
Tim Coleman, SF Housing Coalition; support of the project sponsor
Jim Chaplain, SPUR; support of the project sponsor
Bill Heskell; support of the project sponsor
Marilyn Isabell; support of the project sponsor
Lester Marks; support of the project sponsor
Dr. Marci Adelman; support of the project sponsor
Neal Sims, Open House; support of the project sponsor
Ruth Herring; support of the project sponsor
Hadley Hall, Open House; support of the project sponsor
Todd Mavis; support of the project sponsor
Kevin Chang; support of the project sponsor

Arthur Herwith, support of the project sponsor
The President declared the public hearing closed.

Rebuttal Period:
Commissioner Sigawa, Landmarks Advisory Board, Appellant
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the landmark designation described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

Supervisor Daly was noted present at 4:20 p.m.

(Only one of the following two motions should be approved.)

071029 **[Approving decision of the Planning Commission Disapproving Proposed Landmark Designation of 55 Laguna Street]**

Motion approving the decision of the Planning Commission disapproving proposed landmark designation of 55 Laguna Street. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

071030 **[Disapproving decision of the Planning Commission Disapproving Proposed Landmark Designation of 55 Laguna Street]**

Motion disapproving the decision of the Planning Commission disapproving proposed landmark designation of 55 Laguna Street. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

071081 **[Findings - 55 Laguna Landmark Designation Appeal]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning the appeal of the Planning Commission's disapproval of a landmark designation of 55 Laguna Street. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

071082 **[Landmark Designation of 55 Laguna Street (U.C. Extension Center, formerly known as the San Francisco State Teacher's School]**

Ordinance Designating 55 Laguna Street (U.C. Extension Center, formerly known as the San Francisco State Teacher's School) as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (City Attorney)

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Dufty

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

Privilege of the Floor

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to David Grant and to Sergeant Miller and Officers of the San Francisco Police Department working in the Alemany Working Group.

Supervisor McGoldrick introduced, welcomed and presented a Certificate of Honor to Damon Ramon in recognition of his 10 years of service with SFGTV.

SPECIAL ORDER 4:00 P.M.

071037 **[Appeal of Determination of Exemption from Environmental Review for project at Wawona Street and 15th Avenue (aka "445 Wawona Street)]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated June 12, 2007, Case No. 2006.0608E, exempting from environmental review under Categorical Exemption, Class 32 (State CEQA Guidelines Section 15332). The project would construct eight 3,760 square-foot, three-story, 3 bedroom, 35-feet high detached residential units with below-grade parking on eight vacant lots created out of a portion of the Ardenwood residential care facility property at 445 Wawona Street. The project site is located at the intersection of Wawona Street and 15th Avenue on the block bounded by 19th Avenue and Sloat Boulevard in the West Portal Neighborhood (Assessor's Block 2540, Lots 93-100). The project site was subdivided from the 532,738 square-foot (12.23-acre) Ardenwood property (Assessor's Block 2540, Lot 8) in 2006, creating nine new lots. No changes are proposed for the Ardenwood residential care facility. The project site is currently vacant open space with the exception of a greenhouse/storage structure, which would be demolished as part of the project. The project site is located within the RH-1(D) (One-Family, Detached Dwellings) zoning district and a 40-X height and bulk district. (Appellants: Matthew and Claudia Chamberlain and Susan Hewitt filed July 6, 2007)

(Filed July 6, 2007; companion measure to 071038, 071039, 071040; District 7.)

The President inquired as to whether or not any member of the public wished to address the Board members.

Continued to September 25, 2007

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

071038 **[Affirming the categorical exemption issued for 445 Wawona Street]**

Motion affirming the determination by the Planning Department that the 445 Wawona Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to September 25, 2007

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071039 **[Disapproving the categorical exemption issued for 445 Wawona Street]**

Motion disapproving the determination by the Planning Department that the 445 Wawona Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to September 25, 2007

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071040 **[Preparation of findings related to the 445 Wawona Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 445 Wawona Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to September 25, 2007

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

Supervisor Daly was noted present at 2:35 p.m.

Supervisor Jew Excused From Voting

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved to excuse Supervisor Jew, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070667 [Medical Cannabis Dispensary Permits]
Supervisor Alioto-Pier

Ordinance amending Sections 3301, 3304, 3305, 3307, and 3308 of the San Francisco Health Code and Sections 209.3, 217, 790.141 and 890.133 of the San Francisco Planning Code to (a) require the Director of Public Health to certify that applicants for Medical Cannabis Dispensary permits have not been convicted of certain felony offenses, (b) require Dispensaries to provice security measures, including lighting and alarms, (c) establish minimum disability access standards; and (d) extend the time period for Dispensaries to obtain a Medical Cannabis Dispensary permit to March 1, 2008; (e) authorize the sale and delivery of medical cannabis to qualified patients with a verifiable, written recommendation from a physician for medical cannabis; and (f) clarify the definition of "medical cannabis dispensary.

Supervisor Dufty, seconded by Supervisor Ammiano, moved to amend on page 16, line 21, by adding "Any Medical Cannabis Dispensary (MCD) in a building that began the Landmark Initiation process (as codified by Article 10 of the SF Planning Code) by August 13, 2007 is exempt from the requirements set forth in Section 3308(y) of this legislation."
Motion to amend failed by the following vote:
Ayes: 5 - Ammiano, Daly, Dufty, McGoldrick, Mirkarimi
Noes: 5 - Alioto-Pier, Elsbernd, Maxwell, Peskin, Sandoval
Excused: 1 - Jew

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to amend on page 16, line 15, after "accessible" by adding "ground floor" and on line 17, after "is provided" by adding "to the public".
Motion to amend passed by the following vote:
Ayes 6- Ammiano, Daly, Dufty McGoldrick, Mirkarimi, Peskin
Noes 4 - Alioto-Pier, Elsbernd, Maxwell, Sandoval
Excused: 1- Jew

Supervisor Dufty, seconded by Supervisor Sandoval, moved to amend on page 16, line 21, by adding "Any Medical Cannabis Dispensary (MCD) in a building that began the Landmark Initiation process (as codified by Article 10 of the SF Planning Code) by August 13, 2007 is exempt from the requirements set forth in Section 3308(y) of this legislation until September 1, 2008 unless further exemptions are granted."
Motion to amend passed without objection.

Continued to September 11, 2007 with the Board Sitting as a Committee of the Whole

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Jew

071127 [Formalizing the Board of Supervisor's response to the Civil Grand Jury Recommendations]
Supervisor Elsbernd

Resolution amending the process by which the Board of Supervisors responds to the Civil Grand Jury Reports by adopting a resolution formally accepting or rejecting the Civil Grand Jury recommendations.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071174 **[Approval of Amendment to Security Guard Services Contract]**
Mayor

Resolution approving amendment to armed and unarmed security guard services contract for Municipal Railway Revenue and Cost Accounting Divisions.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 2 - Daly, McGoldrick

071176 **[Application for ABAG Priority Development Area Designation]**
Supervisor Peskin

Resolution authorizing the San Francisco County Transportation Authority and the Mayor's Office of Housing to apply on behalf of the City and County of San Francisco for Priority Development Area designation by the Association of Bay Area Governments.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071188 **[Authorizing the Issuance and Sale of Bonds by the Peninsula Corridor Joint Powers Board]**
Supervisor Maxwell

Resolution authorizing the Issuance and Sale by the Peninsula Corridor Joint Powers Board of Farebox Revenue Bonds in an Aggregate Principal Amount Not Expected to Exceed $22,000,000.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed sympathy for the passing of Bill Walsh
James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared in song concerns with general issues in San Francisco
John Di Donna; expressed concerns with issues relating to gasoline prices
Male speaker; expressed concerns with issues relating to Golden Gate park and preservation
Jim Meca; expressed concerns with the parking initiative
Aaron Goodman, Vice President, Park Merced Association; expressed concern with issues relating to future building to occur in the Park Merced area
Silvia Johnson; expressed concern with general issues in San Francisco

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

071100 **[Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 6, 2007 Election]**

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 6, 2007 Election. (Clerk of the Board)

APPROVED

071179 [Lights Out San Francisco]
Supervisors McGoldrick, Alioto-Pier

Resolution to support extinguishing all non-essential lighting in all city government buildings, public schools and public landmarks for the hour between 7:00 PM and 8:00 PM on October 20, 2007 to conserve energy as part of the city-wide energy conservation event: Lights Out San Francisco, and establishing October 20, 2007 as Lights Out San Francisco Day.

ADOPTED

071184 [Urging California's congressional delegation to support H.R. 2401]
Supervisor Sandoval

Resolution urging California's congressional delegation to support H.R. 2401.

ADOPTED

071186 [Opposition to SB 670 (Correa)]
Supervisor Mirkarimi

Resolution in opposition to Senate Bill 670 (Correa) barring development fees imposed for the acquisition of open space, parks, public recreational facilities and other community benefits.

ADOPTED

071191 [Declaring the month of August, 2007 as Barry Lamar Bonds Month in the City and County of San Francisco]
Supervisors Dufty, Alioto-Pier, Maxwell, Peskin, McGoldrick, Ammiano, Mirkarimi

Resolution congratulating Barry Bonds on becoming the greatest home run hitter in the History of Major League Baseball and declaring the month of August, 2007 as Barry Lamar Bonds Month in the City and County of San Francisco.

ADOPTED

071160 [Final Map - One South Park Avenue]
Motion approving Final Map 4064, a 35 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at One South Park Avenue being a subdivision of Lot 007 in Assessors Block No. 3775 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,016; District 6.)

APPROVED

071161 [Final Map - 2145 California Street]
Motion approving Final Map 3115, a 5 Unit Residential Condominium Project, located at 2145 California Street being a subdivision of Lot 022 in Assessors Block No. 0651 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,035; District 5.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Reference to Committee Agenda

Supervisor Daly requested that Files Nos. 071180, 071181, 071182, 071183 and 071187 be severed so that it might be considered separately and that all matters be referred to Committee.

071180 [Armando Peraza Day - September 1, 2007]
Supervisor Peskin

Resolution declaring September 1, 2007 "Armando Peraza Day" in San Francisco.

REFERRED to the Rules Committee.

071181 [Eddie Fung Day - November 10, 2007]
Supervisor Peskin

Resolution declaring November 10, 2007 as Eddie Fung Day in San Francisco.

REFERRED to the Rules Committee.

071182 [Commending John Barleycom Pub]
Supervisor Peskin

Resolution commending John Barleycom Pub for almost 40 years of enriching the City.

REFERRED to the Rules Committee.

071183 [Sea Otter Awareness Week - September 23 - 29, 2007]
Supervisor Peskin

Resolution declaring September 23-29 Sea Otter Awareness Week.

REFERRED to the Rules Committee.

071187 [Commending Chad Jacobs]
Supervisors Peskin, Elsbernd

Resolution commending Chad Jabcobs for his outstanding years of service as a Deputy City Attorney.

REFERRED to the Rules Committee.

Supervisor Daly was noted absent 6:25 p.m.

Supervisor Sandoval requested that this matter be severed so that it might be considered separately.

071185 **[Condemning defamatory language used by radio personality Michael Savage against the immigrant community]**

Supervisors Sandoval, Ammiano

Resolution condemning defamatory language used by radio personality Michael Savage against the immigrant community.

This matter requires an unanimous vote and failed adoption.
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Jew
Absent: 1 - Daly

Supervisor Sandoval, seconded by Supervisor Ammiano, moved to rescind the previous vote and refer this matter to Committee.
Motion to rescind the previous vote and refer this matter to Committee passed without objection.

REFERRED to the Rules Committee by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Jew
Absent: 1 - Daly

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

071204 **[Urging the Recreation and Park Commission to approve the naming of the field at Monster Park, "Bill Walsh Field at Monster Park"]**

Supervisor Dufty

Resolution urging the Recreation and Park Commission to approve the naming of the Field at Monster Park to "Bill Walsh Field at Monster Park."

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

071163 **[Settlement of Unlitigated Claim - Wells Fargo]**

Resolution approving the settlement of the unlitigated claim filed by Wells Fargo against San Francisco for $43,678; claim was filed on May 23, 2007. (City Attorney)

8/1/07, RECEIVED AND ASSIGNED to Rules Committee.

071164 **[Approval of two contracts with Siemens Medical Solutions USA, Inc. to support and maintain clinical and financial software applications in use by the Department]**

Resolution authorizing the San Francisco Department of Public Health (DPH), to enter into two contracts with Siemens Medical Solutions USA, Inc. (Siemens) for the continued licensing and maintenance of proprietary Siemens applications for the term July 1, 2007 through June 30, 2012. (Public Health Department)

8/6/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED MOTIONS

ADJOURNMENT

There being no further business, the Board, adjourned at the hour of 5:35 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

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Tuesday, September 11, 2007 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ED JEW, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Jew	2nd and 4th Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Ed Jew, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll Supervisor Sandoval was noted absent.

There was a quorum.

Supervisor Sandoval was excused from today's meeting. (See Below)

Supervisor Sandoval Excused From Attendance

Supervisor Jew, seconded by Supervisor Ammiano, moved to excuse Supervisor Sandoval from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to approve the meeting Minutes for July 31, 2007, August 7, 2007 and August 14, 2007. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

071066 [Approval of the HIV Prevention Projects Grant application]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to submit an interim progress report (IPR) in order to continue to receive funding for the HIV Prevention Projects grant from the Centers of Disease Control and Prevention (CDC). The amount of this annual recurring grant for the next grant year (January 1, 2008 to December 31, 2008) is expected to be approximately $9 million. The due date of the IPR is September 4, 2007. (Public Health Department)

ADOPTED

071119 [Accept and Expend FEMA Hazard Mitigation Grant Program Funds]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a grant in the amount of $660,000 in Hazard Mitigation Grant Program funds through the Federal Emergency Management Agency to seismically retrofit the Millbrae Water Supply & Treatment Headquarters.

ADOPTED

071120 [Accept-Expend State Grant - Board of Supervisors]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Board of Supervisors to accept and expend $275,000 in AB 471 funds from the California Resources Agency, Environmental Enhancement and Mitigation Program to fund Americans with Disabilities Act (ADA) and other improvements to Tulare Park.

ADOPTED

071130 [Provide SSI application assistance to the chronically homeless and mentally ill]
Supervisor McGoldrick

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of $97,660 from the Social Security Administration (SSA) to provide SSI application assistance to the chronically homeless and mentally ill in San Francisco and to enter into an agreement for the use of these funds; for the period of May 1, 2007 to April 30, 2008, which includes a sub-contract with the San Francisco Bar Association's Homeless Advocacy Project (HAP) in the amount of $59,620 for the same time period.

ADOPTED

071145 [Accept and Expend Regional Grant - Department of the Environment]
Mayor

Resolution authorizing the Department of the Environment (SF Environment) to accept and expend grant funds, in the amount of $44,000 from the Bay Area Air Quality Management District (BAAQMD) to convert one Prius hybrid vehicle into a Plug-In Hybrid Electric Vehicle for the purpose of public outreach and demonstration.

ADOPTED

071146 [Accept-Expend Regional Grant - Department of the Environment]
Mayor

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $14,000.00 from Altamont Education Advisory Board to expand recycling and lunchroom composting programs at schools in San Francisco.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

070213 **[Planning - public review process for wireless telecommunications services facilities as accessory uses]**
Supervisor Peskin

Ordinance amending the Planning Code Section 311 and 312 to apply the public review processes for building permit applications in R and NC Districts to wireless telecommunications services facilities permitted as accessory uses under Article 2 of the Planning Code, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

070904 **[Permits for communications companies and equipment]**
Supervisor McGoldrick

Ordinance amending Chapter 11, Article 1 of the San Francisco Administrative Code by amending Sections 11.1 and 11.9 to authorize state video franchise holders and personal wireless service carriers to obtain utility conditions permits, requiring persons installing personal wireless service facilities in the public rights-of-way to obtain personal wireless service facilities site permits, imposing fees for personal wireless service facilities site permits, and making environmental findings. (Public Works Department)

Supervisor McGoldrick requested to be added as sponsor.
FINALLY PASSED

Recommendation of the Public Safety Committee

071134 **[Accept-Expend Grant - Public Defender]**
Supervisor Maxwell

Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of $70,000 from the Zellerbach Family Foundation for a court alternative specialist position dedicated to working with the children of incarcerated parents (CIP).

PASSED, ON FIRST READING

Recommendations of the Rules Committee

070505 **[Expanding Post-Employment Restrictions For Senior Mayoral Staff and Board Aides]**
Supervisor Peskin

Ordinance amending section 3.234 of the San Francisco Campaign and Governmental Conduct Code to prohibit individuals who have served as senior staff members to either the Mayor or a member of the Board of Supervisors from communicating with any representative of the City with the intent to influence a government decision for one year after they terminate employment with the City.

FINALLY PASSED

070884 **[Reorganization of the Family Violence Council to concentrate on child abuse and elder abuse in addition to domestic violence]**

Mayor, Supervisors Maxwell, Alioto-Pier

Ordinance amending Article XIX of the San Francisco Administrative Code to change the focus of the Family Violence Council to include child abuse and senior/adult dependent abuse in addition to domestic violence; reducing the membership of the Council's steering committee from ten members to three members (the three co-chairs of the Council); reducing the membership of the Council from 45 members (35 of whom are selected by the Steering Committee and 10 of whom are specified public officials or directors of nonprofit agencies, or their designees) to 19 members (17 required members who are specified public officials or directors of nonprofit agencies, or their designees, and 2 of whom are optional, at-large members appointed by the Steering Committee); eliminating the advisory committee to the Council and assigning the duties currently performed by the advisory committee to the Council as a whole; and deleting that portion of the Ordinance that allows the Council to establish an Interagency Domestic Violence Death Review Team.

(No Economic Impact)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

071264 **[Findings - Disapproval of 3150 Geary Boulevard Tentative Map]**

Motion adopting findings related to the Board of Supervisors disapproval of the decision of the Director of Public Works concerning an 8-unit Tentative Map located at 3150 Geary Boulevard, Lot 028 in Assessor's Block 1066 and disapproval of said Tentative Map.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

071082 [Landmark Designation of Richardson Hall, Woods Hall, and Woods Hall Annex, Located at 55 Laguna Street formerly known as the San Francisco State Teacher's College]
Supervisor Mirkarimi

Ordinance designating Richardson Hall (a.k.a. Burke Hall), Woods Hall (a.k.a. Anderson Hall), and Woods Hall Annex (a.k.a. Anderson Hall Annex), located at 55 Laguna Street (U.C. Extension Center, formerly known as the San Francisco State Teacher's College), as individual Landmarks under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (City Attorney)

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Dufty, Sandoval

Supervisor Dufty was previously excused from voting on this matter.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Dufty, Sandoval

Recommendation of the Budget and Finance Committee

070921 [Amendments to Minimum Compensation Ordinance]
Supervisors Ammiano, Peskin, McGoldrick, Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Sections 12P.2, 12P.3, 12P.4, 12P.5, 12P.6, 12P.7, 12P.8 and, 12P.9 and by adding Sections 12P.5.1, 12P.6.1 and 12P.6.2, to amend the Minimum Compensation Ordinance by making both substantive and clarifying changes with respect to: the obligations imposed on Contractors; notification, investigation, auditing, inspection, enforcement and settlement procedures; the withholding of contract payments; provisions relating to waivers; certain definitions, including the definition of Covered Employees; procedures for automatic increases to the hourly wage rate; the assessment of liquidated damages; and the process for determining whether a Contractor has violated the Ordinance and for the administrative appeal of such determinations.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Jew
Excused: 1 - Sandoval

Recommendation of the Government Audit and Oversight Committee

070680 [Administrative Penalties and Fees for Fare Evasion or Passenger Misconduct Offenses]
Supervisor Peskin

Ordinance amending San Francisco Traffic Code Sections 127, 128, 128.1, 128.1-A, 128.2, and 128.3 to clarify the definition of "Proof of Payment" and impose administrative penalties and fees for certain types of fare evasion or passenger misconduct offenses instead of criminal penalties where authorized by state law, and authorizing the Municipal Transportation Agency's Board of Directors to set the specific penalty and fee amounts.

Supervisor McGoldrick, seconded by Supervisor Jew, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

Ordinance amending San Francisco Traffic Code Sections 127, 128, 128.1, 128.1-A, 128.2, and 128.3 to clarify the definition of "Proof of Payment" and impose administrative penalties and fees for certain types of fare evasion or passenger misconduct offenses instead of criminal penalties for offenders over the age of eighteenwhere authorized by state law, and authorizing the Municipal Transportation Agency's Board of Directors to set the specific penalty and fee amounts.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

Recommendation of the Land Use and Economic Development Committee

070829 [Parking Regulations]

Resolution enacting and rescinding parking regulations.

TOW AWAY, NO PARKING ANYTIME ESTABLISH
Raccoon Drive, both sides, between Twin Peaks Boulevard and Crown Court. (Parking and Traffic Department)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

Recommendation of the Rules Committee

070590 [Requiring that individuals be provided access to Residential Hotels as visitors of guests and occupants to assist in "get out the vote" activities]
Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Section 41D.4, to require that individuals engaged in "get out the vote" activities be provided access to Residential Hotels as visitors of guests and occupants, on the same basis as any other visitor under the Uniform Visitor Policy.

(Supervisor Elsbernd Dissenting in Committee)

FINALLY PASSED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Alioto-Pier, Elsbernd, Jew
Excused: 1 - Sandoval

Called from the City Operations and Neighborhood Services Committee

060589 **[Liquor License Transfer, 845 Market Street, Space 010]**

Resolution determining that the transfer of a Type 21 off-sale general license from 1001 South Van Ness Avenue to 845 Market Street, basement of the San Francisco Centre, Space 010 to Bristol Farms Inc., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Continued to September 18, 2007

Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Elsbernd, Jew
Excused: 1 - Sandoval

Board of Supervisors Sitting as a Committee of the Whole

071269 **[Hearing - Medical Cannabis Dispensary Permits]**

Hearing of persons interested in or objecting to proposed ordinance amending Sections 3301, 3304, 3305, 3307, and 3308 of the San Francisco Health Code and Sections 209.3, 217, 790.141 and 890.133 of the San Francisco Planning Code to (a) require the Director of Public Health to certify that applicants for Medical Cannabis Dispensary permits have not been convicted of certain felony offenses, (b) require Dispensaries to provide security measures, including lighting and alarms, (c) establish minimum disability access standards; (d) extend the time period for Dispensaries to obtain a Medical Cannabis Dispensary permit to March 1, 2008; (e) authorize the sale and delivery of medical cannabis to qualified patients with a verifiable, written recommendation from a physician for medical cannabis; and (f) clarify the definition of "medical cannabis dispensary."

Supervisor Jew was previously excused from voting on this matter.

The President inquired as to whether any member of the public wished to address the Board members.
Mira Ingram
Sherry Grover
Rosaurai Kenyon
David Cohen
Male speaker
Karen Kircher
Michele Aldrich
Silvia Johnson
Denise Dorey
Toni Brock
Albert Blais
Pat Buskavich
Kevin Reid
Male speaker
Wayne Kiloff
Jon Martinell
Female speaker

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

070667 [Medical Cannabis Dispensary Permits]
Supervisor Alioto-Pier

Ordinance amending Sections 3301, 3304, 3305, 3307, and 3308 of the San Francisco Health Code and Sections 209.3, 217, 790.141 and 890.133 of the San Francisco Planning Code to (a) require the Director of Public Health to certify that applicants for Medical Cannabis Dispensary permits have not been convicted of certain felony offenses, (b) require Dispensaries to provice security measures, including lighting and alarms, (c) establish minimum disability access standards; (d) extend the time period for Dispensaries to obtain a Medical Cannabis Dispensary permit to March 1, 2008; (e) authorize the sale and delivery of medical cannabis to qualified patients with a verifiable, written recommendation from a physician for medical cannabis; and (f) clarify the definition of "medical cannabis dispensary."

Supervisor Alioto-Pier, seconded by Supervisor Daly, moved technical amendments and the addition of CEQA language.
Motion to amend passed without objection.

Supervisor Daly, seconded by Supervisor Ammmiano, moved to amend on page 15, (3) by deleting "to the public" and adding "except where the Access Appeals Commission grants an unreasonable hardship."
Motion to amend passed without objection.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to amend on page 15, (2) by deleting "any ground floor service area must be".
To be considered on September 18, 2007

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved various amendments.
To be considered on September 18, 2007

Supervisor Alioto-Pier, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

Ordinance amending Sections 3301, 3304, 3305, 3307, and 3308 of the San Francisco Health Code and Sections 209.3, 217, 790.141 and 890.133 of the San Francisco Planning Code to (a) require the Director of Public Health to certify that applicants for Medical Cannabis Dispensary permits have not been convicted of certain felony offenses, (b) require Dispensaries to provide security measures, including lighting and alarms, (c) establish minimum disability access standards; (d) extend the time period for Dispensaries to obtain a Medical Cannabis Dispensary permit to March 1, 2008; (e) authorize the sale and delivery of medical cannabis to qualified patients with a verifiable, written recommendation from a physician for medical cannabis; (f) clarify the definition of "medical cannabis dispensary; and (g) adopting General Plan, Planning Code Section 101.1(b) and environmental findings."

Continued to September 18, 2007

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

Board of Supervisors Sitting as a Committee of the Whole

061379 **[Hearing - Acquisition of Property By Eminent Domain-Islais Creek MUNI Maintenance Facility]**

Hearing of persons interested in or objecting to proposed resolution authorizing the acquisition of 2.8 acres of property adjacent to City property at Indiana and Cesar Chavez Streets, consisting of portions of Assessor's Lots 2, 2A and 13 in Block 4349 and a portion of Assessor's Lot 3 in Block 4382, in the City and County of San Francisco, for construction of the Municipal Railway's new Islais Creek Motor Coach Operations and Maintenance Facility; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings under the General Plan and City Planning Code Section 101.1.

The President inquired as to whether any member of the public wished to address the Board members.
There were none.
Continued to January 15, 2008

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

Committee of the Whole Adjourn and Report Without Recommendation

061377 **[To acquire property by Eminent Domain-Islais Creek MUNI Maintenance Facility]**
Supervisor Maxwell

Resolution authorizing acquisition of 2.8 acres of property adjacent to City property at Indiana and Cesar Chavez Streets, consisting of portions of Assessor's Lots 2, 2A and 13 in Block 4349 and a portion of Assessor's Lot 3 in Block 4382, in the City and County of San Francisco, for construction of the Municipal Railway's new Islais Creek Motor Coach Operations and Maintenance Facility; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings under the General Plan and City Planning Code Section 101.1.

(Fiscal impact.)

Continued to January 15, 2008

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

Supervisor McGoldrick introduced, welcomed and presented a Certificate of Honor to Sisters of Mercy, Sr. Barbara Murray, in recognition to the celebration of St. Mary's Hospital.

Supervisor McGoldrick introduced, welcomed, and presented a Certificate of Honor to the "Mayor of 4th Avenue".

SPECIAL ORDER 3:30 P.M.

070967 **[Public Hearing - Appeal of Minor Sidewalk Encroachment for 1166 Haight Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated June 13, 2007, approving a request of Minor Sidewalk Encroachment Permit to construct a warped driveway ramp and two (2) planter boxes to encroach 3'-0" into the public sidewalk right-of-way (25% of the sidewalk width as allowed by Article 15, Section 723.2 of the Public Works Code) fronting the property at 1166 Haight Street to provide access to a proposed garage below grade. (Appellant: Raquel Fox.)

(Filed June 28, 2007; companion measure to Files 070968, 070969; District 5.)

The President inquired as to whether any member of the public wished to address the Board members.

Continued to October 16, 2007

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the minor sidewalk encroachment permit appeal described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070968 **[Minor Sidewalk Encroachment Permit Appeal]**

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the Encroachment Permit.

Continued to October 16, 2007

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

070969 **[Minor Sidewalk Encroachment Permit Appeal]**

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the appeal.

Continued to October 16, 2007

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

SPECIAL ORDER 4:00 P.M.

Supervisor Dufty was noted absent at 4:07 p.m.
Supervisor Dufty was noted present at 4:25 p.m.

070800 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review - Citywide Wireless Broadband Internet Access Network Ordinance]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 20, 2007, Case No. 2007.0097E, exempting from environmental review under Categorical Exemption [State CEQA Guidelines, Sections 15301(b), 15303(d), & 15303(e); Class Numbers 1 and 3], the proposed project is an ordinance proposed by the Mayor (Board File No. 070077) that would approve one or more agreements (hereafter "the Agreement") between EarthLink, Inc. and the City and County of San Francisco. The Agreement would permit EarthLink to manage, operate, and install within the City rights-of-way a citywide wireless broadband internet access network that would provide free or affordable internet access for San Francisco residents, workers, and visitors. The project would involve installation within the City rights-of-way of a communications system consisting of two types of above-ground equipment: transmitters and backhaul devices. The Agreement does not specify proposed locations for the communications equipment, and EarthLink has not yet selected such locations. (Appellant: Jeff Hoffman, on behalf of the San Francisco Neighborhood Antenna Free Union (SNAFU).)

(Filed May 30, 2007; companion measure to Files 070801, 070802, 070803.)

The President inquired as to whether any member of the public wished to address the Board members.
Silvia Johnson
The President declared the public hearing closed.

Supervisor Elsbernd, seconded by Supervisor Jew, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Dufty
Excused: 1 - Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070801 **[Affirming the categorical exemption issued for the Citywide Wireless Broadband Internet Access Network Ordinance]**

Motion affirming the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Elsbernd, seconded by Supervisor Jew, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Dufty
Excused: 1 - Sandoval

070802 **[Disapproving the categorical exemption issued for the Citywide Wireless Broadband Internet Access Network Ordinance]**

Motion disapproving the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Elsbernd, seconded by Supervisor Jew, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Dufty
Excused: 1 - Sandoval

070803 **[Preparation of findings related to the appeal of the categorical exemption for the Citywide Wireless Broadband Internet Access Network Ordinance]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is exempt from environmental review under the California Environmental Quality Act.

Supervisor Elsbernd, seconded by Supervisor Jew, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Dufty
Excused: 1 - Sandoval

SPECIAL ORDER 4:00 P.M.

071070 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 317 Cortland Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated June 21, 2007, Case No. 2006.0056E, exempting from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Sections 15301(l)(4) and Categorical Exemption Class 3 (State CEQA Guidelines Sections 15303(b) and 15303(c). The project would demolish the existing two-car parking structure and construct a 35-foot-tall, 3,820-square foot, three-story mixed-use building with two dwelling units over approximately 1,590-square-feet of commercial space open to Cortland Avenue and with the 130-square foot walk-up access to the residential floors above. The two dwelling units would each be about 1,115 square feet. Each unit would have access to private usable open space on either a rear deck, balcony or a courtyard. The subject property (Assessor Block 5667, Lot 014) is within an NC-2 (Small Scale Neighborhood Commercial) Use District and a 40-X Height and Bulk District. (Appellants: Gordon Thrupp, Robin Mackey, Suzanne Landucci, Donna Roberts, Caroline Peel and Bloum Cardenas.)

(Filed July 18, 2007; companion measure to 071071, 071072, 071073; District 9.)

The President inquired as to whether any member of the public wished to address the Board members.

Continued to September 25 , 2007

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

071071 **[Affirming the categorical exemption issued for the 317 Cortland Street Project]**

Motion affirming the determination by the Planning Department that the 317 Cortland Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to September 25, 2007

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

071072 **[Disapproving the categorical exemption issued for the 317 Cortland Street Project]**

Motion disapproving the determination by the Planning Department that the 317 Cortland Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to September 25, 2007

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

071073 **[Preparation of findings related to the 317 Cortland Street Project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 317 Cortland Street is exempt from environmental review under the California Environmental Quality Act.

Continued to September 25, 2007

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

SPECIAL ORDER 4:30 P.M.

071031 [Public Hearing - Conditional Use Appeal for 4041 Geary Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17448 dated June 14, 2007, approving Conditional Use Application No. 2007.0286C, subject to certain conditions, to allow the establishment of a Formula Retail Use (dba Starbucks, retail coffee store), with approximately 750 square feet in floor area in a vacant commercial space located in a recently approved auto service and repair shop (dba"Service Center for San Francisco Toyota"), a one-story commercial building. The project site is located in an NC-3 (Moderate Scale) Neighborhood Commercial District and a 40-X Height and Bulk District on property located at 4041 Geary Boulevard, Lot 050 on Assessor's Block 1540. (Appellant: Jesse Fink, Clement Street Merchant Association.)

(Filed 7/11/07; companion meaure to Files 071032, 071033, 071034; District 1.)

The President inquired as to whether any member of the public wished to address the Board members.
Jesse Fink and Brian McCann; Appellants
Male speaker; support of the appellant
Jack Charis; support of the appellant
Max; support of the appellant
Emir Sparrow; support of the appellant
Kristin Chu; support of the appellant
Megan Lynch; support of the appellant
Gail Sabin; support of the appellant
Marilyn Hoffman; support of the appellant
Lolita S.; support of the appellant
Anna Dorian; support of the appellant
Andrea Little; support of the appellant
David Grey; support of the appellant
Female speaker; support of the appellant
Marita; support of the appellant
Micki May; support of the appellant
Diana Maris; support of the appellant
Mr. Rothstein;support of the appellant
Female speaker, Representative of the Industrial Workers Union; support of the appellant
Female speaker; support of the appellant
Tosh Chang; support of the appellant
Randy Berkevits; support of the appellant
Michael Bean; support of the appellant
Mayor of 4th Avenue; support of the appellant
Catherine Roberts; support of the appellant
Silvia Johnson; support of the appellant
David Tornhower; support of the appellant
Ron Miguel; support of the appellant

Tara Sullivan-Lehane, Representative of the Planning Department reviewed with the Board the Planning Commission's recommendation.

Leon Abrams; Starbucks Coffee; project sponsor
David Hellar; support of the project sponsor
Female speaker; support of the project sponsor
Colin Schmidt, Bay Area Scores; support of the project sponsor
Nancy Healy; support of the project sponsor
Katie McCann; support of the project sponsor
Joseph Norris; support of the project sponsor
Female speaker; support of the project sponsor
Mary Jane Cordova; support of the project sponsor
Female speaker; support of the project sponsor
Amos Brian; support of the project sponsor
Lisa Durs Disola; support of the project sponsor

Erica Mapes;support of the project sponsor
Male speaker; support of the project sponsor
Dean Tirchee; support of the project sponsor
Dan Wall; support of the project sponsor
Tracy Wilhelm; support of the project sponsor
Doug Donalon, SF Toyota; support of the project sponsor
Jack Shaw; support of the project sponsor
Ken Cleveland; support of the project sponsor
John Horton, President of SF Toyota; support of the project sponsor
Scott Bates; support of the project sponsor
Steven Lee; support of the project sponsor
Karen Vance; support of the project sponsor
Ben Grams; support of the project sponsor
Richard Gondiango; support of the project sponsor
Liz Cappurro; support of the project sponsor
Steven Gard; support of the project sponsor
Female speaker; support of the project sponsor
Jane Moyer; support of the project sponsor
Tina Essijian; support of the project sponsor
Ron Rage; support of the project sponsor
Liz McFarland; support of the project sponsor
Leslie; support of the project sponsor
Kim Witson, Starbucks Executive; support of the project sponsor
Paul Epstein, PAR; support of the project sponsor
Edmond Edmond; support of the project sponsor

Rebuttal Period: Jesse Fink and Brian McCann, Appellants

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

(Only one of the following two motions should be approved.)

071032 **[Approving Planning Commission decision related to Conditional Use Appeal for 4041 Geary Boulevard]**
Motion approving decision of the Planning Commission by its Motion No. 17448, approving Conditional Use Application No. 2007.0286C on a property located at 4041 Geary Boulevard, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Jew
Excused: 1 - Sandoval

071033 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 4041 Geary Boulevard]**
Motion disapproving decision of the Planning Commission by its Motion No. 17448, approving Conditional Use Application No. 2007.0286C on a property located at 4041 Geary Boulevard, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Jew
Excused: 1 - Sandoval

071034 **[Preparation of findings related to the Conditional Use Appeal for 4041 Geary Boulevard]**
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2007.0286C on a property located at 4041 Geary Boulevard, for action by the Board at its next meeting.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to homeless shelters
James Chaffee; expressed concern with issues relating to the SF Public Library
Ray Hatrz; expressed concern with issues relating to the City Attorney's Office
Female speaker; expressed concern with issues relating to the Trans Bay tower
Stephen Woosly; expressed concern with issues relating to Coit Tower
Eugene Gordon, Jr.; expressed concern with issues relating to violations of human rights
Walter; shared with the Board in song certain issues
John di Donna; expressed concern with issues relating to the Middle East War
Ellen Egberg; expressed support for the SF Public Library
Male speaker; expressed concern with issues relating to blood testing for toxic chemicals
Viki Lightner; support of Item 43 a Resolution to hault the annual Blue Angels air show in San Francisco
Male speaker; support of Item 43 a Resolution to hault the annual Blue Angels air show in San Francisco
Mike; support of Item 43 a Resolution to halt the annual Blue Angels air show in San Francisco
Mike Ryan; support of Item 43 a Resolution to halt the annual Blue Angels air show in San Francisco
Silvia Johnson; expressed concern with general issues in San Francisco
Male speaker; support of Item 43 a Resolution to halt the annual Blue Angels air show in San Francisco
Female speaker; support of Item 43 a Resolution to halt the annual Blue Angels air show in San Francisco
Buck Shaw; support of Item 43 a Resolution to halt the annual Blue Angels air show in San Francisco

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

071213 **[Legislative Analyst Request - Office of Special Events]**
Supervisors Dufty, Alioto-Pier

Motion requesting the Legislative Analyst to conduct research into the need for and feasibility of a dedicated and separately funded Office of Special Events in San Francisco. Specifically, whether the activities currently engaged in by such City departments as the Entertainment Commission, Office of Protocol, Mayor's Special Events Staff, San Francisco Police Department, Recreation and Parks Department, Port of San Francisco, and others might be effectively consolidated into and/or overseen by an office comparable to the Special Events Offices in Chicago, Boston, New York City, Houston, and others.

Supervisor Alioto-Pier requested to be added as a co-sponsor.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

071198 **[Grant to support Laguna Honda Hospital's Activity Therapy Department]**
Supervisor Maxwell

Resolution authorizing the San Francisco Department of Public Health (DPH), Laguna Honda Hospital (LHH) to retroactively accept and expend a grant for $35,000, from the James Irvine Foundation, the Walter and Elise Haas Fund, and the Flora Hewlett Foundation, through the Creative Work Fund, and to enter into a subcontract with artist Helena Keeffe; for the period of September 1, 2007 through August 31, 2008.

ADOPTED

071199 **[Grant of State Funds - Municipal Transportation Agency]**
Supervisor Maxwell

Resolution authorizing the Municipal Transportation Agency to accept and expend $217,970 in State grant funds from the California Air Resources Board for the purchase of low-polluting construction equipment.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

Severed From the Without Committee Reference Agenda

Supervisor Daly requested that this matter be severed so that it might be considered separately.

Supervisor McGoldrick Excused From Voting

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to excuse Supervisor McGoldrick, at his request, because of possible conflict of interest, from voting.. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin
Excused: 2 - McGoldrick, Sandoval

071232 [Seeking a permanent halt to the Blue Angels air show over San Francisco]
Supervisor Daly

Resolution seeking a permanent halt to the annual Blue Angels air show over the City of San Francisco.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to continue this matter to September 18, 2007.

Supervisor Elsbernd moved to refer this matter to Committee.
REFERRED to the Government Audit and Oversight Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

071279 [Commending Teodoro C. Ildefonzo]
Supervisor Maxwell

Resolution commending Teodoro C. Ildefonzo on his 100th birthday and declaring September 11, 2007 "Teodoro C. Ildefonzo" day in San Francisco.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

071233 [Penalty for Removing Chalk Marks]
Ordinance amending San Francisco Traffic Code Sections 21 and 132 to impose a penalty for removing chalk marks of one hundred ($100) dollars for any violation and to make minor changes to clarify the parking restriction. (Municipal Transportation Agency)
8/20/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071237 [Settlement of Lawsuit - Pacific Bell Telephone Company]
Ordinance authorizing settlement of the lawsuit filed by Pacific Bell Telephone Company against the City and County of San Francisco for $94,000.00; the lawsuit was filed on October 25, 2006 in San Francisco County Superior Court, Case No. 457-327; entitled Pacific Bell Telephone Company v. City and County of San Francisco. (City Attorney)
8/14/07, RECEIVED AND ASSIGNED to Rules Committee.

071238 [Settlement of Lawsuit - Jane Martin, et al. (Order Sons of Italy) v. CCSF]
Ordinance authorizing settlement of the portion of the lawsuit filed by Order Sons of Italy in America Grand Lodge of the Golden West Corporation against the City and County of San Francisco for $75,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
8/14/07, RECEIVED AND ASSIGNED to Rules Committee.

071239 [San Francisco Traffic Code Revisions]
Ordinance repealing San Francisco Traffic Code Sections 3.1, 3.4, 3.5, 3.7, 3.14, 3.14.1, 7, 109, and 200, in their entirety, to eliminate definitions that conflict with or duplicate state law, and amending Section 3.16 to substitute the "Municipal Transportation Agency" for the "Department of Public Works." (Municipal Transportation Agency)
8/14/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

071246 [Settlement of Lawsuit - Theodore Tarver, Jr. (Kathryn Cox) v. CCSF]
Ordinance authorizing settlement of an award of attorney's fees to attorney Kathyrn Cox for $162,941 against the City and County of San Francisco; the underlying lawsuit was filed on July 19, 2002 in San Francisco Superior Court, Case No. 410499 entitled Theodore Tarver, Jr. v. City and County of San Francisco. (City Attorney)
8/27/07, RECEIVED AND ASSIGNED to Rules Committee.

071252 **[Settlement of City's Lawsuit Against Aquila, Inc. and Aquila Merchant Services, Inc.]**

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides $1,500,000 from defendants Aquila, Inc. and Aquila Merchant Services, Inc. to the City and County of San Francisco and the other plaintiffs, which will be used to prosecute the cases against the remaining defendants. (City Attorney)

8/29/07, RECEIVED AND ASSIGNED to Rules Committee.

071253 **[Settlement of City's Lawsuit Against Enserco Energy, Inc.]**

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides $750,000 from defendant Enserco Energy, Inc. to the City and County of San Francisco and the other plaintiffs, which will be used to prosecute the cases against the remaining defendants. (City Attorney)

8/29/07, RECEIVED AND ASSIGNED to Rules Committee.

071256 **[Settlement of City Claim Against PG&E]**

Ordinance approving the settlement of a claim asserted by the City and County of San Francisco against Pacific Gas & Electric Company in the bankruptcy proceeding entitled In Re Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 01-30923-DM. (City Attorney)

8/31/07, RECEIVED AND ASSIGNED to Rules Committee.

071257 **[San Francisco Fire Code]**

Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2007 San Francisco Fire Code consisting of the 2007 California Fire Code and portions of the 2006 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. (Fire Department)

8/31/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/1/2007.

PROPOSED RESOLUTIONS

071197 **[Department of Public Works - Bayview Transportation Improvement Project Fiscal Feasibility]**

Resolution adopting findings that the Bayview Transportation Improvement Project is fiscally feasible and responsible under Administrative Code Chapter 29. (Public Works Department)

8/10/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071234 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS – ESTABLISH
25th Street and Minnesota Street, stopping Minnesota Street, making this uncontrolled intersection a two-way STOP;

Hampshire at 17th Street, stopping Hampshire Street, the stem of this T-intersection;

Cesar Chavez Street at Castro Street, stopping Cesar Chavez Street, making this uncontrolled intersection a two-way STOP;

Edna Street at Joost Avenue, stopping Edna Street, the stem of this T-intersection;

Ankeny Street and Ordway Way, stopping Ankeny Street, making this intersection an All-Way STOP; and,

Hudson Avenue at Cashmere Street, stopping Hudson Avenue, making this intersection an All-Way STOP. (Parking and Traffic Department)

(8/8/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3399.)
8/13/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

071235 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

NO LEFT TURN, 4 PM TO 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Masonic Avenue, northbound and southbound, at Turk Street (extending turn restriction time from 6 PM to 7 PM).

NO LEFT TURN - ESTABLISH
13th Street at Harrison Street, eastbound (Parking and Traffic Department)

(8/8/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3399.)
8/13/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

071236 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

2-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY – ESTABLISH
10th Street, west side, between Bryant Street and Division Street.

PARKING METER AREA NO. 2 (1-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY) - RESCIND
PARKING METER AREA NO. 2 (2-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
11th Street, both sides, between Market and Mission Streets

PARKING METERS (AREA 3, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Clay Street, south side, from 106 feet west of Webster Street to 73 feet east of Fillmore Street.

ANGLE (45-DEGREE) PARKING - RESCIND
20th Avenue, east side, from Ortega Street to 144 feet southerly

RESIDENTIAL PERMIT PARKING AREA "Y" (2-HOUR TIME LIMIT, 8 AM TO 10 PM, EVERYDAY) - ESTABLISH
Colin P. Kelly Jr. Street, east side, between Brannan Street and Townsend Street, adding 2 Townsend Street to Residential Permit Parking Area Y.

2 HOUR SIGNED PARKING TIME LIMIT – RESCIND
PARKING METERS (AREA 1, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Brannan and Townsend Streets, between 2nd Street and Colin P. Kelly Jr. Street.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Leavenworth Street, west side, between Lombard Street and Greenwich Street
Lombard Street, south side, between Leavenworth and Jones Streets

PARKING METER AREA NO. 2 (1-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Stevenson Street, north side, from 7th Street to western terminus

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
7th Street, west side, from Stevenson Street to 62 feet southerly
7th Street, west side, from 128 feet south of Stevenson to Mission Street (248-foot zone)
Mission Street, north side, from 308 feet west of 7th Street to 38 feet westerly

PASSENGER LOADING ZONE, 6 AM TO 7 PM, MONDAY THROUGH FRIDAY, TOW-AWAY NO STOPPING ALL OTHER TIMES -- ESTABLISH
7th Street, west side, from 62 feet south of Stevenson to 128 feet southerly (66-foot zone

YELLOW LOADING ZONE, 7 AM TO 4 PM, MONDAY THROUGH SATURDAY, TOW AWAY NO STOPPING ALL OTHER TIMES -- ESTABLISH
Mission Street, north side, from 111 feet west of 7th Street to 197 feet westerly (4 meters) (Parking and Traffic Department)

(8/8/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3399.)

8/13/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

071245 [Authorizing the Office of Contract Administration to amend its contract with En Pointe to exceed $31 million and its contract with Xtech to exceed $37 million]

Resolution authorizing the Office of Contract Administration to enter into the Sixth Amendment between the City and En Pointe (part of the Computer Store procurement vehicles), to increase the contract amount to $35 million, and to enter into the Eighth Amendment between the City and Xtech (also part of the Computer Store procurement vehicle), to increase the contract amount to $51 million. (Office of Contract Administration)

8/23/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071254 [Endorsing tree for landmark tree status at 4124 - 23rd Street]

Resolution endorsing landmark tree designation of the coast live oak (Quercus agrifolia) located at 4124 – 23rd Street. (Environment)

8/29/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

071255 [Authorizing the Teeter Tax Losses Reserve Fund to be governed by Revenue and Taxation Code Section 4703 for fiscal year 2006-2007 and thereafter]

Resolution authorizing the Teeter Tax Losses Reserve Fund to be governed by Revenue and Taxation Code Section 4703 for fiscal year ending June 30, 2007 and thereafter. (Controller)

8/30/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071262 [Study of HIV transmission behavior in HIV-positive men]

Resolution authorizing the San Francisco Department of Public Health (DPH), to enter retroactively into an agreement in the amount of $37,906 with the University of California, San Francisco (UCSF), the primary contractor, to participate in a study to examine decisions to have high transmission-risk sex; study the efficacy of a prevention counseling intervention; and determine whether future episodes of unprotected sex are reduced, for the period of September 1, 2006 to August 31, 2007. (Public Health Department)

8/31/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 7:59 P.M.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, September 18, 2007 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

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AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ED JEW, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Jew	2nd and 4th Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Ed Jew, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisor Ammiano was noted absent.

There was a quorum.

Supervisor Ammiano was noted present at 2:07 p.m.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Public Safety Committee

071134 [Accept-Expend Grant - Public Defender]
Supervisors Maxwell, Dufty

Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of $70,000 from the Zellerbach Family Foundation for a court alternative specialist position dedicated to working with the children of incarcerated parents (CIP).

Supervisor Dufty requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

From the Board

070667 [Medical Cannabis Dispensary Permits]
Supervisor Alioto-Pier

Ordinance amending Sections 3301, 3304, 3305, 3307, and 3308 of the San Francisco Health Code and Sections 209.3, 217, 790.141 and 890.133 of the San Francisco Planning Code to (a) require the Director of Public Health to certify that applicants for Medical Cannabis Dispensary permits have not been convicted of certain felony offenses, (b) require Dispensaries to provide security measures, including lighting and alarms, (c) establish minimum disability access standards; (d) extend the time period for Dispensaries to obtain a Medical Cannabis Dispensary permit to March 1, 2008; (e) authorize the sale and delivery of medical cannabis to qualified patients with a verifiable, written recommendation from a physician for medical cannabis; (f) clarify the definition of "medical cannabis dispensary; and (g) adopting General Plan, Planning Code Section 101.1(b) and environmental findings."

Supervisor Jew was previously excused from voting on this matter.

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to amend on page 3, "Section 3301 (f) and on page 16, "Section 3308 (y)."
Motion to amend passed without objection.

Supervisor Alioto Pier, seconded by Supervisor Elsbernd, moved to amend by on page 17, line 7, (2) by deleting "any ground floor service area must be." and by adding after "accessible" the language "service areas."

Motion to amend failed by the following vote:
Ayes: 3 - Alioto-Pier, Elsbernd, Sandoval
Noes: 7- Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1- Jew

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to amend on page 17, line 10, (3) by deleting " where "the Access Appeals Commission"
Motion to amend passed without objection.

Supervisor Alioto-Pier requested to divide the question to include language relating to "any ground floor service area must be" and to add after "accessible" the language "service areas."

On the question to include the language relating to "any ground floor service area must be" and to add after "accessible" the language "service areas."
Divided question passed by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Alioto-Pier, Elsbernd, Sandoval
Excused: 1- Jew

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Alioto-Pier, Elsbernd, Sandoval
Excused: 1 - Jew

Called from the City Operations and Neighborhood Services Committee

060589 [Liquor License Transfer, 845 Market Street, Space 010]

Resolution determining that the transfer of a Type 21 off-sale general license from 1001 South Van Ness Avenue to 845 Market Street, basement of the San Francisco Centre, Space 010 to Bristol Farms Inc., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

NOT ADOPTED by the following vote:

Ayes: 2 - Elsbernd, Jew
Noes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

071085 [Appropriating $5,647,000 for increased costs at San Francisco General and Laguna Honda Hospitals in the Department of Public Health retroactive to Fiscal Year 2006-2007]

Mayor

Ordinance appropriating $5,647,000, including $4,591,000 of Patient Revenue to support increased overtime, fringes and services of other departments at San Francisco General Hospital and $1,056,000 of MediCal revenues at Laguna Honda hospital to support salary and fringes at Laguna Honda Hospital for the Department of Public Health retroactive to Fiscal Year 2006-2007.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071165 [Setting San Francisco's fiscal year 2007-2008 property tax rate and establishing pass-through rate for residential tenants]

Supervisor Peskin

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2008.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071166 [Setting San Francisco Community College District's fiscal year 2007-2008 property tax rate to be included in the City's overall property tax rate]

Supervisor Peskin

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2008.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071167 [Setting San Francisco Unified School District's fiscal year 2007-2008 property tax rate to be included in the City's overall property tax rate]

Supervisor Peskin

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the fiscal year ending June 30, 2008.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071168 [Setting San Francisco Bay Area Rapid Transit District's fiscal year 2007-2008 property tax rate to be included in the City's overall property tax rate]

Supervisor Peskin

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2008.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071193 [Minimum Compensation Ordinance]

Supervisors Ammiano, Peskin, McGoldrick

Ordinance amending the San Francisco Administrative Code by adding Section 12P.5.1 to amend the Minimum Compensation Ordinance by imposing additional contract requirements on City contractors, including Airport property contractors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070980 [Accept-Expend Federal Grant - Airport Commission]

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of $2,297,483 from the Transportation Security Administration ("TSA") for Airport K-9 Explosives Detection Team Program. (Airport Commission)

(No Economic Impact)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071055 **[Extension of Contract Third Street Light Rail Project Consultant Jacobs Civil]**
Supervisor Maxwell

Resolution approving the increase of $2,563,000 for Municipal Railway Contract No. CS-132, Quality Assurance and Construction Management Services for Phase I of the Third St. Light Rail Transit Project.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071092 **[Contract between the Department of Public Health and San Francisco Community Health Authority to provide universal health insurance services for San Francisco children and young adults aged 0 through 24]**
Supervisor Ammiano

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to retroactively contract between the City and County of San Francisco and the San Francisco Community Health Authority to provide universal health insurance services for San Francisco children and young adults aged 0 through 24 and young parents aged 19 through 24 for the period of July 1, 2007 through June 30, 2008 in the amount of $11,342,433.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071164 **[Approval of two contracts with Siemens Medical Solutions USA, Inc. to support and maintain clinical and financial software applications in use by the Department]**

Resolution authorizing the San Francisco Department of Public Health (DPH), to retroactively enter into two contracts with Siemens Medical Solutions USA, Inc. (Siemens) for the continued licensing and maintenance of proprietary Siemens applications for the term July 1, 2007 through June 30, 2012. (Public Health Department)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071229 **[Park, Recreation and Open Space General Obligation Bonds]**
Mayor, Supervisor Peskin

Resolution determining and declaring that the public interest and necessity demand the acquisition, construction or reconstruction of park, recreation and open space projects within the City and County of San Francisco and all other structures and improvements necessary or convenient for the foregoing purposes; finding that the estimated cost of $185,000,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of said City and County and will require the incurring of a bonded indebtedness; finding the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code section 2.34.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Jew

Recommendations of the Government Audit and Oversight Committee

071223 **[Board response to the 2006-2007 Civil Grand Jury Report entitled "Can San Francisco Keep its Promise to Reduce Greenhouse Gas Emissions?"]**
Supervisor Elsbernd

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2006-2007 Civil Grand Jury Report entitled "Can San Francisco Keep its Promise to Reduce Greenhouse Gas Emissions?".

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071224 **[Board response to the 2006-2007 Civil Grand Jury Report entitled "Parking for the Disabled-Abuse or Over-Use?"]**
Supervisor Elsbernd

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2006-2007 Civil Grand Jury Report entitled "Parking for the Disabled—Abuse or Over-Use?".

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071225 **[Board response to the 2006-2007 Civil Grand Jury Report entitled "Risk Management: Are the Managers Managing the Risks of the City"]**
Supervisor Elsbernd

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2006-2007 Civil Grand Jury Report entitled "Risk Management: Are the Managers Managing the Risks of the City".

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071226 **[Board response to the 2006-2007 Civil Grand Jury Report entitled "Compensation and Staffing Issues in the San Francisco Police Department"]**
Supervisor Elsbernd

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2006-2007 Civil Grand Jury Report entitled "Compensation and Staffing Issues in the San Francisco Police Department".

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071177 [FY 2007-2008 California Constitution Appropriations Limit]
Supervisor Peskin

Resolution establishing the appropriations limit for Fiscal Year 2007-08 pursuant to California Constitution Article XIII B.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Jew, seconded by Supervisor Ammiano, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Jew introduced, welcomed and presented Certificates of Honor to the members of the San Francisco Angels Girls Softball Team.

SPECIAL ORDER 4:00 P.M.

Supervisor McGoldrick and Sandoval were noted absent at 3:45 p.m.

070910 **[Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

The President inquired as to whether any member of the public wished to address the Board members.
Continued to October 2, 2007

Supervisor Alioto-Pier, seconded by Supervisor Jew, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070911 **[Affirming the categorical exemption issued for the 3424 Jackson Street project]**

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 2, 2007

Supervisor Alioto-Pier, seconded by Supervisor Jew, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval

070912 **[Disapproving the categorical exemption issued for the 3424 Jackson Street project]**

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 2, 2007

Supervisor Alioto-Pier, seconded by Supervisor Jew, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval

070913 [Preparation of findings related to the 3424 Jackson Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 2, 2007

Supervisor Alioto-Pier, seconded by Supervisor Jew, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval

Supervisor McGoldrick was noted present at 4:14 p.m.
Supervisor Sandoval was noted present at 4:18 p.m.

Supervisor Dufty Excused From Voting

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved to excuse Supervisor, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval

SPECIAL ORDER 4:00 P.M.

070905 [Public Hearing - Appeal of Mitigated Negative Declaration - 601 Duboce Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department adopted and issued on June 7, 2007, approving a Mitigated Negative Declaration (File No. 2004.0603E), for the proposed development project at 601 Duboce Avenue.

(Filed June 19, 2007; Appellant; Nicole M. Phillips on behalf of Service Employees International Union, United Health Care) companion measure to Files 070906, 070907, 070908, District 8.)

The President inquired as to whether any member of the public wished to address the Board members.

John Marshall, Attorney for the appellant
Tim Paulson, SF Labor Council; support of the appellant
Cony Ford, SF Labor Council; support of the appellant
Dean Morehouse; support of the appellant
Howard Wallace; support of the appellant
Eleanor Milroy; support of the appellant
B. Miller; support of the appellant
Marlene Morgan; support of the appellant
Sharon Lynn; support of the appellant
Clare Bowman; support of the appellant
Val Garcia; support of the appellant
Suhail Bucks; support of the appellant
Leon Chow, Health Care Workers; support of the appellant
Female speaker; support of the appellant
Jonathan Youth, support of the appellant
Rick Galbreath; support of appellant
Silvia Johnson; support of the appellant

Michael Jacinto and Bill Wycko, Planning Department's representatives reviewed with the Board the Planning Department's recommendation.
Sharon Lavicki, Environment Corporation responded to questions raised by the Board members.

Tay Via, Attorney for the project sponsor
Howard Chandler; support of the project sponsor
Judge Herb Donaldson; support of the project
Garrett; support of the project sponsor
Linda Magellan; support of the project sponsor
Male speaker; support of the project sponsor
Bob Barnwell; support of the project sponsor
Mary Fields; support of the project sponsor
Walter Ginsell; support of the project sponsor
Richard McGarry; support of the project sponsor
Robert Miller M.D.; support of the project sponsor
Deanna Norris; support of the project sponsor
Anton Shium; support of the project sponsor
Brian Andrews M.D., support of the project sponsor
Vicki ; support of the project sponsor
Holly McNanus; support of the project sponsor
Jim Salinas, Carpenters Union; support of the project sponsor
Kathy Davis; support of the project sponsor
Dennis Richards; support of the project sponsor
Greg Wilcox; support of the project sponsor
Jody Bales; support of the project sponsor
Scott Rome M.D.; support of the project sponsor
Somona Schick; support of the project sponsor
Dallas Horseshoe; support of the project sponsor

The President declared the public hearing closed.

Rebuttal Period: John Marshall, Attorney for the appellant
HEARD AT PUBLIC HEARING.

(Only one of the following two motions should be approved.)

070906 **[Affirming adoption of the mitigated negative declaration for 601 Duboce Avenue]**

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 601 Duboce Avenue. (Clerk of the Board)

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Elsbernd, Jew, Sandoval
Excused: 1 - Dufty

070907 **[Reversing adoption of the mitigated negative declaration for 601 Duboce Avenue]**

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 601 Duboce Avenue. (Clerk of the Board)

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Elsbernd, Jew, Sandoval
Excused: 1 - Dufty

070908 **[Preparation of findings to reverse adoption of the mitigated negative declaration for 601 Duboce Avenue]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 601 Duboce Avenue. (Clerk of the Board)

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Elsbernd, Jew, Sandoval
Excused: 1 - Dufty

SPECIAL ORDER 4:00 P.M.

Supervisor Dufty was previously excused from voting on these matters.
(File Nos. 070905 - 070908 and File Nos. 071024 - 071027)

071024 **[Public Hearing - Conditional Use Appeal for 601 Duboce Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Director by Motion No. 17444 dated June 7, 2007 (Case No. 2004.0603CE), approving conditional use authorization under Planning Code Section 303 and 304 to amend a previously approved conditional use authorization for a planned unit development and annual limit review for office development (Case No. 1987.847BC, Motion No. M13254 and M13255) and develop a new four story, 50,075 gross-square-feet (gsf), medical clinic and office building. The new building would contain medical offices, a Neuromuscular and Electroencephalogram Clinic, circulation/mechanical/support space, a pharmacy, an admitting station, located on the fourth story that connects to the existing adjacent ambulatory surgery department in the CPMC Hospital North Tower. As a Planned Unit Development, the project is seeking modifications to Planning Code requirements for rear yard and independently accessible parking. The property is in an RH-3 (Residential, House, Three-Family) Use District. While the five-story hospital north tower is the only building located in the 130-E Height and Bulk District portion of the site, the remaining portion (including the location of the project) is in the 65-D Height and Bulk District on property located at: 601 Duboce Avenue; Lot 001 in Assessor's Block 3539. (Appellant: Seabrook Leaf)

(Filed 7/9/07; companion measure to Files 071025, 071026, 071027; District 8.)

This matter was removed from the Board Agenda and filed pursuant to the Board's action on File Nos. 070906, 070907 and 070908 to reverse the Planning Commission's adoption of the final mitigated negative declaration for 601 Duboce.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

071025 **[Approving Conditional Use Application for property located at 601 Duboce Avenue]**

Motion approving decision of the Planning Commission by its Motion No. 17444, approving Conditional Use Application 2004.0603CE on property located at 601 Duboce Avenue, and adopting findings pursuant to Planning Code Section 101.1.

This matter was removed from the Board Agenda and filed pursuant to the Board's action on File Nos. 070906, 070907 and 070908 to reverse the Planning Commission's adoption of the final mitigated negative declaration for 601 Duboce.

071026 **[Disapproving Conditional Use Application for property located at 601 Duboce Avenue]**

Motion disapproving decision of the Planning Commission by its Motion No. 17444, approving Conditional Use Application 2004.0603CE on property located at 601 Duboce Avenue.

This matter was removed from the Board Agenda and filed pursuant to the Board's action on File Nos. 070906, 070907 and 070908 to reverse the Planning Commission's adoption of the final mitigated negative declaration for 601 Duboce.

071027 **[Findings - 601 Duboce Avenue Conditional Use Application Appeal]**

Motion directing the Clerk to prepare findings related to the proposed Conditional Use Application 2004.0603CE on property located at 601 Duboce Avenue.

This matter was removed from the Board Agenda and filed pursuant to the Board's action on File Nos. 070906, 070907 and 070908 to reverse the Planning Commission's adoption of the final mitigated negative declaration for 601 Duboce.

COMMITTEE REPORTS

Supervisor Daly Excused from Voting

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved to excuse Supervisor Daly, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

071190 **[Appointment to San Francisco LAFCO]**
Supervisor Mirkarimi

Motion appointing Supervisor Chris Daly to the San Francisco Local Agency Formation Commission (LAFCO).

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

071180 **[Armando Peraza Day - September 1, 2007]**
Supervisor Peskin

Resolution declaring September 1, 2007 "Armando Peraza Day" in San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071182 **[Commending John Barleycorn Pub]**
Supervisor Peskin

Resolution commending John Barleycorn Pub for almost 40 years of enriching the City.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071183 [Sea Otter Awareness Week - September 23 - 29, 2007]
Supervisor Peskin

Resolution declaring September 23-29 Sea Otter Awareness Week.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071187 [Commending Chad Jacobs]
Supervisors Peskin, Elsbernd, Dufty

Resolution commending Chad Jacobs for his outstanding years of service as a Deputy City Attorney.

Supervisor Dufty requested to be added as a co-sponsor.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071258 [Urging the Golden Gate Bridge, Highway and Transportation District to Oppose the Golden Gate Bridge Partnership Program]
Supervisors McGoldrick, Maxwell, Mirkarimi

Resolution urging the Golden Gate Bridge, Highway and Transportation District Board of Directors to Oppose the Golden Gate Bridge Partnership Program which would allow for the continued degradation of our public spaces by sanctioning, among other things, the placement of corporate logos on way-finding signage, posters, kiosks, and displays on Golden Gate Bridge property.

Continued to October 2, 2007

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Adullah Megaheed; expressed concern with issues relating to the Iraq War
James Chaffee; expressed concern with issues relating to the SF Public Library
Eugene Gordon Jr. ; expressed concern with issues relating to the violation of human rights
Steve Woosley; expressed concern with issues relating to saving Coit Tower
Female; expressed concern with issues relating to her eviction
Richard Robinson; showed gratitude for the opening of Buster's Place
Female speaker; expressed concern with issues relating to being abused at hospital facilities
Espanola Jackson; expressed concern with issues relating Item No. 45 relating to the Port lease for Living Classroom at Heron's Head Park and requested to refer this matter to committee
Silvia Johnson; expressed concern with general issues in San Francisco
Frank da Costa; expressed concern with issues relating to the South East sector of the City and toxic elements in that area

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

Supervisors McGoldrick and Sandoval were absent at 3:45 p.m.

071305 [Declaring October 11, 2007 as Eleanor Roosevelt Day]
Supervisors Ammiano, Mirkarimi, Maxwell, Daly, McGoldrick, Alioto-Pier, Peskin, Dufty

Resolution declaring October 11, 2007 as Eleanor Roosevelt Day and commending her for her contributions to women's and human rights.

ADOPTED

071306 [Supporting the medical practice of acupuncture and Oriental Medicine Study programs]
Supervisor Ammiano

Resolution supporting the medical practice of acupuncture and the National Oriental Medicine Accreditation Agency and the creation of Doctor of Oriental Medicine Study programs in the California State university System and University of California medical System.

ADOPTED

071308 [Declaring September 2007 as Reentry Month]
Supervisor Mirkarimi

Resolution declaring the month of September 2007 as Reentry month in the City and County of San Francisco.

ADOPTED

071309 [Commending the Brotherhood Way Interfaith and Residential Community]
Supervisor Elsbernd

Resolution commending the Brotherhood Way Interfaith and Residential Community for their annual Vigil Service of Remembrance for Victims of War and Terrorism.

ADOPTED

071313 [Lights Out San Francisco]
Supervisors McGoldrick, Alioto-Pier, Peskin

Resolution to support extinguishing all non-essential lighting in all city government buildings, public schools and public landmarks for the hour between 8:00 PM and 9:00 PM on October 20, 2007 to conserve energy as part of the city-wide energy conservation event: Lights Out San Francisco, and establishing October 20, 2007 as Lights Out San Francisco Day.

Supervisor Peskin requested to be added as a co-sponsor.

ADOPTED

071263 **[Final Map - 5600 Third Street]**

Motion approving Final Map 3813, a 124 Unit Residential Condominium Project, located at 5600 Third Street being a subdivision of Lots 012 and 013 in Assessors Block No. 5421 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,048; District 10.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval

Severed from the Without Reference to Committee Agenda

Supervisor Jew requested that this matter be severed so that it might be considered separately.

071307 **[Iraq Moratorium]**

Supervisors Ammiano, Daly

Resolution endorsing the Iraq Moratorium's demands to stop the war and bring the troops home.

Supervisor Jew requested that this matter be referred to Committee.

REFERRED.

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

071310 **[Approval of Addendum to Port Lease for Living Classroom at Heron's Head Park]**

Supervisor Maxwell

Resolution approving an Addendum to Lease No. 13816 with Literacy for Environmental Justice for Construction, Maintenance, and Operation of a Living Classroom Building at Heron's Head Park.

Supervisor Peskin requested that this matter be referred to Committee.

REFERRED.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

071274 **[San Francisco Building Code]**

Ordinance repealing the San Francisco Building Code in its entirety and replacing that code with a new 2007 San Francisco Building Code consisting of the 2007 California Building Code, which is based upon the 2006 International Building Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

9/7/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/18/2007.

071275 **[San Francisco Electrical Code]**

Ordinance repealing the San Francisco Electrical Code in its entirety and replacing that code with a new 2007 San Francisco Electrical Code consisting of the 2007 California Electrical Code, which is based upon the 2005 National Electrical Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

9/7/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/18/2007.

071276 **[San Francisco Housing Code]**

Ordinance repealing the San Francisco Housing Code in its entirety and replacing that code with a new 2007 San Francisco Housing Code to conform to the new numbering system of the 2007 California Building Code and to re-enact San Francisco's local amendments to the State Housing Code with minor changes; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

9/7/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/18/2007.

071277 **[San Francisco Mechanical Code]**

Ordinance repealing the San Francisco Mechanical Code in its entirety and replacing that code with a new 2007 San Francisco Mechanical Code consisting of the 2007 California Mechanical Code, which is based upon the 2006 Uniform Mechanical Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

9/7/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/18/2007.

071278 **[San Francisco Plumbing Code]**

Ordinance repealing the San Francisco Plumbing Code in its entirety and replacing that code with a new 2007 San Francisco Plumbing Code consisting of the 2007 California Plumbing Code, which is based upon the 2006 Uniform Plumbing Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

9/7/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/18/2007.

071281 **[Procurement of Construction Management and General Contractor services for the new Public Utilities Commission administrative building at 525 Golden Gate]**

Ordinance approving an Integrated Project Delivery Plan for the early procurement of a Construction Manager/General Contractor for the new Public Utilities Commission administrative building at 525 Golden Gate Avenue and modifying the competitive bid requirements of Administrative Code Chapter 6 to require an alternative competitive process based on experience, qualifications, and price. (Public Utilities Commission)

9/10/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

071280 **[Sale of Surplus Real Property Located in the City of South San Francisco]**

Resolution approving an Agreement For Sale of Real Estate between the City and County of San Francisco and The Redevelopment Agency of the City of South San Francisco pertaining to approximately 13.64 acres of land located in the vicinity of Chestnut Avenue and El Camino Real in the City of South San Francisco; adopting findings that the transaction is categorically exempt from environmental review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property and/or the General Manager of the San Francisco Public Utilities Commission to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

9/7/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 6:56 p.m.

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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, September 25, 2007 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

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First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval, Carmen Chu.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisor McGoldrick was noted absent.

There was a quorum.

Supervisor McGoldrick was excused from attending today's meeting.

Supervisor McGoldrick Excused from Attendance

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to excuse Supervisor McGoldrick from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Excused: 1 - McGoldrick

COMMUNICATIONS

Angela Calvillo, The Clerk of the Board informed the Board members that she was in receipt of a correspondence from Mayor Gavin Newsom and pursuant to Charter Section 15.105 he had suspended Edmund Jew from Office of the Supervisor for District Four and had appointed Carmen Chu as Supervisor for District Four.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

071085 [Appropriating $5,647,000 for increased costs at San Francisco General and Laguna Honda Hospitals in the Department of Public Health retroactive to Fiscal Year 2006-2007]

Mayor

Ordinance appropriating $5,647,000, including $4,591,000 of Patient Revenue to support increased overtime, fringes and services of other departments at San Francisco General Hospital and $1,056,000 of MediCal revenues at Laguna Honda hospital to support salary and fringes at Laguna Honda Hospital for the Department of Public Health retroactive to Fiscal Year 2006-2007.

(Fiscal Impact.)

FINALLY PASSED

071165 **[Setting San Francisco's fiscal year 2007-2008 property tax rate and establishing pass-through rate for residential tenants]**

Supervisor Peskin

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2008.

FINALLY PASSED

071166 **[Setting San Francisco Community College District's fiscal year 2007-2008 property tax rate to be included in the City's overall property tax rate]**

Supervisor Peskin

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2008.

FINALLY PASSED

071167 **[Setting San Francisco Unified School District's fiscal year 2007-2008 property tax rate to be included in the City's overall property tax rate]**

Supervisor Peskin

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the fiscal year ending June 30, 2008.

FINALLY PASSED

071168 **[Setting San Francisco Bay Area Rapid Transit District's fiscal year 2007-2008 property tax rate to be included in the City's overall property tax rate]**

Supervisor Peskin

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2008.

FINALLY PASSED

071193 **[Minimum Compensation Ordinance]**

Supervisors Ammiano, Peskin, McGoldrick

Ordinance amending the San Francisco Administrative Code by adding Section 12P.5.1 to amend the Minimum Compensation Ordinance by imposing additional contract requirements on City contractors, including Airport property contractors.

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

071227 **[Accept-Expend Federal Grant - Department of Public Works]**
Supervisor Elsbernd

Resolution authorizing the Department of Public Works to accept and expend a federal grant in the amount of $482,040 from the California Department of Transportation to upgrade guardrails at Twin Peaks Boulevard; O'Shaughnessy Boulevard at Del Valle Avenue; Portola Drive north of Burnett Avenue and west of Burnett Avenue.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

071005 **[No Parking Anytime - Establish]**
Supervisor Jew

Resolution establishing NO PARKING ANYTIME on Lincoln Way, south side, from 45th Avenue to 40 feet westerly.

(No Economic Impact)

ADOPTED

071088 **[Parking Regulations]**
Supervisor McGoldrick

Resolution enacting and rescinding parking regulations at various locations

PARKING METER AREA 3 (1-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM,
MONDAY THROUGH SATURDAY) – RESCIND
PARKING METER AREA 3 (2-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM,
MONDAY THROUGH SATURDAY) – ESTABLISH

Clement Street, on metered blocks and adjacent north-south metered streets, between Arguello Boulevard and 25th Avenue (changes existing one hour meters to two hour time limit)

ADOPTED

Recommendations of the Rules Committee

071237 **[Settlement of Lawsuit - Pacific Bell Telephone Company]**

Ordinance authorizing settlement of the lawsuit filed by Pacific Bell Telephone Company against the City and County of San Francisco for $94,000.00; the lawsuit was filed on October 25, 2006 in San Francisco County Superior Court, Case No. 457-327; entitled Pacific Bell Telephone Company v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

071238 **[Settlement of Lawsuit - Jane Martin, et al. (Order Sons of Italy) v. CCSF]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Order Sons of Italy in America Grand Lodge of the Golden West Corporation against the City and County of San Francisco for $75,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

071246 **[Settlement of Lawsuit - Theodore Tarver, Jr. (Kathryn Cox) v. CCSF]**

Ordinance authorizing settlement of an award of attorney's fees to attorney Kathryn Cox for $162,941 against the City and County of San Francisco; the underlying lawsuit was filed on July 19, 2002 in San Francisco Superior Court, Case No. 410499 entitled Theodore Tarver, Jr. v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

071252 **[Settlement of City's Lawsuit Against Aquila, Inc. and Aquila Merchant Services, Inc.]**

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides $1,500,000 from defendants Aquila, Inc. and Aquila Merchant Services, Inc. to the City and County of San Francisco and the other plaintiffs, which will be used to prosecute the cases against the remaining defendants. (City Attorney)

PASSED, ON FIRST READING

071253 **[Settlement of City's Lawsuit Against Enserco Energy, Inc.]**

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides $750,000 from defendant Enserco Energy, Inc. to the City and County of San Francisco and the other plaintiffs, which will be used to prosecute the cases against the remaining defendants. (City Attorney)

PASSED, ON FIRST READING

071256 [Settlement of City Claim Against PG&E]

Ordinance approving the settlement of a claim asserted by the City and County of San Francisco against Pacific Gas & Electric Company in the bankruptcy proceeding entitled In Re Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 01-30923-DM. (City Attorney)

PASSED, ON FIRST READING

071163 [Settlement of Unlitigated Claim - Wells Fargo]

Resolution approving the settlement of the unlitigated claim filed by Wells Fargo against San Francisco for $43,678; claim was filed on May 23, 2007. (City Attorney)

ADOPTED

071271 [Appointment - Sweatfree Procurement Advisory Group]

Resolution appointing Christian Martinez, term ending December 17, 2007, to the Sweatfree Procurement Advisory Group.

Christian Martinez, succeeding Laura Juran, resigned, seat 4, must be a member of the public, for the unexpired portion of a two-year term ending December 17, 2007.

ADOPTED

071272 [Appointment - Urban Forestry Council]

Resolution appointing J. Malcolm Hillan, term ending April 5, 2009, to the Urban Forestry Council.

J. Malcolm Hillan, succeeding Larry Costello, term expired, seat 1, must be a representative of the University of California Cooperative Extension or a representative of another educational organization involved with tree management, for the unexpired portion of a two-year term ending April 5, 2009.

ADOPTED

071273 [Appointment - Child Care Planning and Advisory Council]

Resolution appointing Sheila Norman, term ending December 31, 2008, to the Child Care Planning and Advisory Council.

Sheila Norman, succeeding herself, term expired, seat 11, must be a nominee of District 11 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative," for the unexpired portion of a three-year term ending December 31, 2008.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Excused: 1 - McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

070667 **[Medical Cannabis Dispensary Permits]**
Supervisor Alioto-Pier

Ordinance amending Sections 3301, 3304, 3305, 3307, and 3308 of the San Francisco Health Code and Sections 209.3, 217, 790.141 and 890.133 of the San Francisco Planning Code to (a) require the Director of Public Health to certify that applicants for Medical Cannabis Dispensary permits have not been convicted of certain felony offenses, (b) require Dispensaries to provide security measures, including lighting and alarms, (c) establish minimum disability access standards; (d) extend the time period for Dispensaries to obtain a Medical Cannabis Dispensary permit to March 1, 2008; (e) authorize the sale and delivery of medical cannabis to qualified patients with a verifiable, written recommendation from a physician for medical cannabis; (f) clarify the definition of "medical cannabis dispensary; and (g) adopting General Plan, Planning Code Section 101.1(b) and environmental findings."

Supervisor Alioto-Pier requested to divide the question to include language relating to "any ground floor service area must be" and to add after "accessible" the language "service areas."

On the question to include the language relating to "any ground floor service area must be" and to add after "accessible" the language "service areas."
Divided question passed by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1- McGoldrick

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Noes: 1 - Elsbernd
Excused: 1 - McGoldrick

071349 **[Adopting findings related to the conditional use appeal on property located at 4041 Geary Boulevard]**
Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2007.0286C, subject to certain conditions, to allow the establishment of a Formula Retail Use (dba Starbucks, retail coffee store), with approximately 750 square feet in floor area in a vacant commercial space located in a recently approved auto service and repair shop (dba "Service Center for San Francisco Toyota"), a one-story commercial building. The project site is located in an NC-3 (Moderate Scale) Neighborhood Commercial District and a 40-X Height and Bulk District on property located at 4041 Geary Boulevard, Lot 050 on Assessor's Block 1540.

APPROVED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Excused: 1 - McGoldrick

Recommendation of the Government Audit and Oversight Committee

070680 [Administrative Penalties and Fees for Fare Evasion or Passenger Misconduct Offenses]
Supervisor Peskin

Ordinance amending San Francisco Traffic Code Sections 127, 128, 128.1, 128.1-A, 128.2, and 128.3 to clarify the definition of "Proof of Payment" and impose administrative penalties and fees for certain types of fare evasion or passenger misconduct offenses instead of criminal penalties for offenders over the age of eighteenwhere authorized by state law, and authorizing the Municipal Transportation Agency's Board of Directors to set the specific penalty and fee amounts.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Excused: 1 - McGoldrick

NEW BUSINESS

Recommendations of the Budget and Finance Committee

070833 [2008 Finance Corporation Equipment Program]
Mayor

Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an Equipment Lease Supplement No. 15 (Series 2008A Bonds) between the City and County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to the equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed $13,500,000; approving the form of the official statement in preliminary and final form; providing for reimbursement to the City and County of San Francisco of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Excused: 1 - McGoldrick

071245 **[Authorizing the Office of Contract Administration to amend its contract with En Pointe to exceed $31 million and its contract with Xtech to exceed $37 million]**

Resolution authorizing the Office of Contract Administration to enter into the Sixth Amendment between the City and En Pointe (part of the Computer Store procurement vehicles), to increase the contract amount to $35 million, and to enter into the Eighth Amendment between the City and Xtech (also part of the Computer Store procurement vehicle), to increase the contract amount to $51 million. (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Excused: 1 - McGoldrick

071255 **[Authorizing the Teeter Tax Losses Reserve Fund to be governed by Revenue and Taxation Code Section 4703 for fiscal year 2006-2007 and thereafter]**

Resolution authorizing the Teeter Tax Losses Reserve Fund to be governed by Revenue and Taxation Code Section 4703 for fiscal year ending June 30, 2007 and thereafter. (Controller)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Excused: 1 - McGoldrick

From the Budget and Finance Committee Without Recommendation

071231 **[Lease of Real Property at 1390 Market Street]**
Mayor

Resolution authorizing the lease of 6,029 square feet of space in the building located at 1390 Market Street for the Office of Labor Standards Enforcement.

(Fiscal Impact.)

Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Peskin
Noes: 5 - Ammiano, Daly, Maxwell, Mirkarimi, Sandoval
Excused: - McGoldrick

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to rescind the previous vote and to continued this matter to October 16, 2007.

CONTINUED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Noes: 1 - Daly
Excused: 1 - McGoldrick

Recommendation of the City Operations and Neighborhood Services Committee

071162 [Liquor License - 690 Market Street]

Resolution determining that the of a Type 57 Special On-Sale General liquor license to Michael J. Brewer for RC Social Club of San Francisco, Inc. located at 690 Market Street (District 6) will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Chu
Noes: 3 - Alioto-Pier, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the Land Use and Economic Development Committee

071149 [Planning Code-Amending Article 11 Designation of 225-227 Front Street]
Supervisor Peskin

Ordinance amending the designation of 225-227 Front Street (Assessor's Block 0237, Lot 005) from Category V (Unrated) to Category IV (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

Supervisor Peskin requested to be added as sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Excused: 1 - McGoldrick

071111 [Parking Regulations]

Resolution enacting parking regulations on Clementina Street.

RESIDENTIAL PERMIT PARKING AREA "Y" (2-HOUR TIME LIMIT, 9 AM TO 6 PM, EVERYDAY) - ESTABLISH
Clementina Street, both sides, between 1st and 2nd Streets (unit block, includes addresses on both sides for permits, but signs will only be installed on the south side); and,
246 Second Street (no signs will be installed on 2nd Street, but residents will be eligible for Area "Y" permits).
(Parking and Traffic Department)

(6/28/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3375).
(No Economic Impact)

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Chu
Noes: 3 - Alioto-Pier, Peskin, Sandoval
Excused: 1 - McGoldrick

Called From the Government Audit and Oversight Committee

070931 [Seeking a permanent halt to the Blue Angels air show over San Francisco]
Supervisors Daly, Mirkarimi, Sandoval, Ammiano

Resolution seeking a permanent halt to the annual Blue Angels air show over the City of San Francisco.

(No Economic Impact)
(Supervisor Daly dissented in Committee)

NOT ADOPTED by the following vote:

Ayes: 3 - Ammiano, Daly, Mirkarimi
Noes: 7 - Alioto-Pier, Dufty, Elsbernd, Maxwell, Peskin, Sandoval, Chu
Excused: 1 - McGoldrick

Recess

The Board recessed at the hour of 2:58 p.m.

Reconvening of the Board

The Board reconvened at the hour of 3:35 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval - 10

Supervisor McGoldrick was previously excused from attending today's meeting.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Ammiano, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Excused: 1 - McGoldrick

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to the owners of Tommy's Joint in celebration on their 60th Year of being business in San Francisco.

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to Jim Rivaldo.

Supervisor Alioto-Pier introduced, welcomed and presented a Certificate of Honor to Brad Gross, Harbor Master, SF Yacht Harbor in recognition of his dedication to the SF Yacht Harbor.

SPECIAL ORDER 4:00 P.M.

071037 **[Appeal of Determination of Exemption from Environmental Review for project at Wawona Street and 15th Avenue (aka "445 Wawona Street)]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated June 12, 2007, Case No. 2006.0608E, exempting from environmental review under Categorical Exemption, Class 32 (State CEQA Guidelines Section 15332). The project would construct eight 3,760 square-foot, three-story, 3 bedroom, 35-feet high detached residential units with below-grade parking on eight vacant lots created out of a portion of the Ardenwood residential care facility property at 445 Wawona Street. The project site is located at the intersection of Wawona Street and 15th Avenue on the block bounded by 19th Avenue and Sloat Boulevard in the West Portal Neighborhood (Assessor's Block 2540, Lots 93-100). The project site was subdivided from the 532,738 square-foot (12.23-acre) Ardenwood property (Assessor's Block 2540, Lot 8) in 2006, creating nine new lots. No changes are proposed for the Ardenwood residential care facility. The project site is currently vacant open space with the exception of a greenhouse/storage structure, which would be demolished as part of the project. The project site is located within the RH-1(D) (One-Family, Detached Dwellings) zoning district and a 40-X height and bulk district. (Appellants: Matthew and Claudia Chamberlain and Susan Hewitt filed July 6, 2007)

(Filed July 6, 2007; companion measure to 071038, 071039, 071040; District 7.)

The President inquired as to whether or not any member of the public wished to address the Board.

Matt Chamberlain; Appellant
Female speaker; support of the appellant
S. Plank; support of the appellant
Claudia Chamberlain; support of the appellant
Marina Hardeman; support of the appellant
Silvia Johnson; support of the appellant
Patricia Shanahan; support of the appellant
Burt Hill; support of appellant

Nannie Turrell. Planning Department representative, reviewed with the Board the Planning Department's recommendation.

Mr. and Mrs. Mark Nelson; Project Sponsors
Frank Haybird; support of the project sponsor
Dan Phipps; support of the project sponsor
Guy Bristol; support of the project sponsor
Martin Lavin; support of the project sponsor
Howard Drexler; support of the project sponsor

Rebuttal Period: Matt Chamberlain, Appellant

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

071038 **[Affirming the categorical exemption issued for 445 Wawona Street]**

Motion affirming the determination by the Planning Department that the 445 Wawona Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Excused: 1 - McGoldrick

071039 **[Disapproving the categorical exemption issued for 445 Wawona Street]**

Motion disapproving the determination by the Planning Department that the 445 Wawona Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Excused: 1 - McGoldrick

071040 **[Preparation of findings related to the 445 Wawona Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 445 Wawona Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Excused: 1 - McGoldrick

SPECIAL ORDER 4:00 P.M.

071070 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 317 Cortland Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated June 21, 2007, Case No. 2006.0056E, exempting from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Sections 15301(l)(4) and Categorical Exemption Class 3 (State CEQA Guidelines Sections 15303(b) and 15303(c). The project would demolish the existing two-car parking structure and construct a 35-foot-tall, 3,820-square foot, three-story mixed-use building with two dwelling units over approximately 1,590-square-feet of commercial space open to Cortland Avenue and with the 130-square foot walk-up access to the residential floors above. The two dwelling units would each be about 1,115 square feet. Each unit would have access to private usable open space on either a rear deck, balcony or a courtyard. The subject property (Assessor Block 5667, Lot 014) is within an NC-2 (Small Scale Neighborhood Commercial) Use District and a 40-X Height and Bulk District. (Appellants: Gordon Thrupp, Robin Mackey, Suzanne Landucci, Donna Roberts, Caroline Peel and Bloum Cardenas.)

(Filed July 18, 2007; companion measure to 071071, 071072, 071073; District 9.)

The President inquired as to whether or not any member of the public wished to address the Board.
Gordon Thrupp; Appellant
Judy Ashlin; support of the appellant
Silvia Johnson; support of the appellant
Margaret Thrupp; support of the appellant

Lisa Gibson, Planning Department representative, and Dr. Rajiv Bhatia, Director of Environmental Health Department, reviewed with the Board the Planning Department's recommendation.

Attorney for the project sponsor

Rebuttal Period: Gordon Thrupp, Appellant
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

Supervisor Dufty was noted absent at 5:50 p.m.

071071 **[Affirming the categorical exemption issued for the 317 Cortland Street Project]**

Motion affirming the determination by the Planning Department that the 317 Cortland Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Noes: 1 - Daly
Absent: 1 - Dufty
Excused: 1 - McGoldrick

071072 [Disapproving the categorical exemption issued for the 317 Cortland Street Project]

Motion disapproving the determination by the Planning Department that the 317 Cortland Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Noes: 1 - Daly
Absent: 1 - Dufty
Excused: 1 - McGoldrick

071073 [Preparation of findings related to the 317 Cortland Street Project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 317 Cortland Street is exempt from environmental review under the California Environmental Quality Act.

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Noes: 1 - Daly
Absent: 1 - Dufty
Excused: 1 - McGoldrick

ROLL CALL FOR INTRODUCTIONS

Supervisor Dufty was noted absent at 2:40 p.m

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues related to the Iraq War
Female speaker; expressed concern with issues related to the Ingleside Library and traffic in District 11.
Female speaker; expressed concern with issues relating to the Mayor's assets which he sold when he became Mayor
Eugene Gordon, Jr.; expressed concern with issues related to the violation of human rights
John Di Donna; expressed concern with issues relating to human conditions
James Chaffee; expressed concern with issues relating to the SF Public Library
Alice Host; expressed concern with issues related to the appointment of an interim Supervisor of District Four.
Rodney; expressed concern with issues relating to Muni fare cheaters, smoking ordinance implementation
Richard Magreed; expressed concern with issues relating to the design of the Sigmond Stern Grove and his patent for design

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

071348 **[Legislative Analyst Request - School Districts and City and County governments]**
Supervisor Dufty

Motion requesting the Office of the Legislative Analyst to prepare a report on best practices by School Districts and City and County governments on maximizing the ability of children and their families to qualify for benefits, such as health care (Medi-Cal), food stamps and school nutrition programs, among others. The Legislative Analyst is requested to work with the Department of Human Services Office of Policy and Planning in the preparation of this report.

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Absent: 1 - Dufty
Excused: 1 - McGoldrick

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

071352 **[Supporting Private Security Officers Week of Action]**
Supervisor Daly

Resolution supporting the private security officers and their union SEIU 24-7's week of action to win improved training for personal advancement, a living wage and full family health benefits on par with janitors and other workers in San Francisco's commercial real estate sector; and encouraging the City's wealthiest property owners and the security company contractors such as ABM and Securitas to end the double standard facing security officers who struggle to make ends meet based on the low wages and often unaffordable healthcare premiums.

ADOPTED

071353 **[Approval of a 45-day extension for Planning Commission review]**
Supervisor Daly

Resolution extending by 45 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code Sections 315.4 and the addition of 315.6A that would allow project sponsors the option of paying the inclusionary housing in-lieu fee to a qualifying nonprofit entity to acquire and rehabilitate units as permanently affordable rental housing if the number of resulting units will be 25% higher than the amount provided under the existing off-site alternative.

ADOPTED

071355 **[Approval of a 30 day extension for Planning Commission review]**
Supervisor Peskin

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code Sections 121.2 to move the Polk Street Neighborhood Commercial District from a 3,000 square foot use size limit to a 2,000 square foot size limit, and amend Section 723 to provide that commercial and institutional uses in the Polk Street Neighborhood Commercial District are permitted up to 1,999 square feet and allowed as a conditional use for 2,000 square feet and above; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

071354 **[Daniel Pearl Day - October 10, 2007]**
Supervisors Peskin, Dufty

Resolution declaring October 10, Daniel Pearl World Music Day in San Francisco.

ADOPTED

071356 **[Supporting City of Oakland to fight lawsuit against Plastic Bag Ban]**
Supervisor Mirkarimi

Resolution supporting the City of Oakland in fighting a lawsuit that has been brought against Oakland's recently passed ban on non-compostable check out plastic bags at large retail stores and urging the City of Oakland to fight the industry suit and not to conduct a full environmental impact report that could set a precedent for other local government efforts to protect the environment.

ADOPTED

071357 **[Declaring October 2 International Day of Nonviolence and Spinning Wheel Birthday]**
Supervisor Mirkarimi

Resolution declaring October 2 International Day of Non-violence and, in accordance with the wishes of Mohandas K. Gandhi commemorating his date of birth, October 2, as the Spinning Wheel Birthday.

ADOPTED

071359 **[SF Climate Challenge]**
Supervisor Alioto-Pier

Resolution to support public participation in the SF Climate Challenge and to name October 25, 2007 SF Climate Challenge Day, with the goal of reducing energy use in City residences, thereby reducing the emission of greenhouse gases which cause global warming.

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Absent: 1 - Dufty
Excused: 1 - McGoldrick

071314 **[Final Map - 2917-2919 24th Street]**
Motion approving Final Map 4185, a 5 Unit Residential and 1 Unit Commercial Mixed-Use Condominium Project, located at 2917-2919 24th Street being a subdivision of Lot 015 in Assessors Block No. 4269 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,127; District 9.)

APPROVED

071315 **[Final Map - 1158 Sutter Street]**
Motion approving Final Map 4078, a 15 Unit Mixed-Use Condominium Project, located at 1158 Sutter Street being a subdivision of Lot 010 in Assessors Block No. 0669 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1, (Public Works Department)

(DPW Order No. 177,091; District 3)

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval, Chu
Absent: 1 - Dufty
Excused: 1 - McGoldrick

Severed from the Without Reference to Committee Agenda

Supervisor Sandoval requested that this matter be severed so that it might be considered separately.

071358 **[Requesting Police Department to end vehicle impounding]**
Supervisor Sandoval

Resolution urging the San Francisco Police Department to temporarily cease the impoundment of vehicles for lack of a California Driver's License, pending City Attorney review of current law.

Supervisors Sandoval requested that this matter be referred to Committee.
REFERRED

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

071326 **[Public Employment - Department of Public Health]**

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) reflecting the addition of 34.95 positions in the Department of Public Health pursuant to Ordinance 162-07 (Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union Local 790 Staff and Per Diem Nurses) and Ordinance 164-07 (Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees and Helpers Local 856 Supervising Registered Nurses Unit 11.B) using funding from the Salaries and Benefits Reserve as appropriated in Ordinance 174-07 (Consolidated Budget and Annual Appropriation Ordinance for Fiscal Year Ending June 30, 2008). (Human Resources Department)

9/11/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071329 **[Amending and Repealing Cash Revolving Funds and Cash Revolving Accounts]**

Ordinance amending and repealing various sections of Article XV, Part I of the San Francisco Municipal Code (Administrative Code), which established cash revolving funds and cash revolving accounts for the City and County of San Francisco departments. (Controller)

9/17/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

071323 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS – ESTABLISH
20th Avenue and Moraga Street, stopping 20th Avenue, making this intersection an All-Way STOP;

Pacheco Street at 41st Avenue, stopping the stem of this currently uncontrolled T-intersection;

Both ends of Dormitory Road at Northridge Road/Jerrold Avenue and at Kiska Road/Kirkwood Avenue, stopping the stem of these currently uncontrolled T-intersections. (Parking and Traffic Department)

(9/7/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3407.)
9/11/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

071324 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

NO LEFT TURN, 7 AM TO 7 PM, EVERYDAY EXCEPT BUSES AND TAXIS - ESTABLISH
5th Street, southbound, at Mission Street.

(9/7/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3407.)
9/11/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

071325 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "X" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
1550 - 1562 22nd Street (includes these addresses to be eligible for Area "X" permits, but no signs will be posted on the street).

RESIDENTIAL PERMIT PARKING AREA "R" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Ivy Street, both sides, between Buchanan and Webster Streets (signs will only be posted on the north side because of NPAT on the south side), and;
Webster Street, east side, between Ivy and Grove Streets.

TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
Laurel Street, east side, between California Street and Mayfair Drive.

NO PARKING ANYTIME - RESCIND
Linden Street, north side, from 82 feet to 101 feet west of Gough Street.

COMPACT VEHICLES ONLY - ESTABLISH
Linden Street, north side, from 82 feet to 101 feet west of Gough Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Linden Street, south side, from 40 feet to 136 feet west of Gough Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Geary Boulevard, south side, Masonic Avenue frontage road to 70 feet westerly (removes parking meter #2703).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Page Street, south side, from Laguna Street to 20 feet easterly; and,
Laguna Street, east side, from Page Street to 21 feet southerly.

2-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - RESCIND
Gough Street, east side, from Geary Boulevard to Ellis Street.

1-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY - RESCIND
Gough Street, west side, from Eddy Street to Golden Gate Avenue.

TOW-AWAY, NO PARKING, 1 AM TO 6 AM, DAILY - ESTABLISH
Clementina Street, south side, from Gallagher Lane to 5th Street,

TOW-AWAY, NO PARKING, MIDNIGHT TO 6 AM, DAILY ESTABLISH
Gallagher Lane, west side, from 20 feet north of Clementina Street to Tehama Street; and,
Gallagher Lane, east side, from Clementina Street to 20 feet south of Tehama Street.

4-HOUR PARKING TIME LIMIT, 7 AM - 6 PM, EXCEPT SATURDAY AND SUNDAY - ESTABLISH
San Bruno Avenue, east side, between 15th and Alameda Streets; and,
15th Street, both sides, between San Bruno and Vermont Streets. (Parking and Traffic Department)

(9/7/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3407.)

9/11/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

071327 **[Extending to September 30, 2008 the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy through which the Authority provides caretaker services at former Naval Station Treasure Island]**

Resolution approving and authorizing the Treasure Island Development Authority to enter into a modification to the Cooperative Agreement with the Navy to extend the Cooperative Agreement from October 1, 2007 to September 30, 2008. (Treasure Island Development Authority)

9/12/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071361 **[Approval of Exercise of Renewal Option of Lease of Real Property at One Market Plaza]**

Resolution approving the exercise of a Six Month Renewal Option of a lease of 20,677 square feet of office, storage and datacenter space at One Market Plaza for the Department of Telecommunications and Information Services (DTIS). (Real Estate Department)

9/17/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board recessed at the hour of 5:55 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, October 2, 2007 2:00 PM

:F
90
#69
0/2/07

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

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First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Carmen Chu, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to approve Meeting Minutes for September 11, 2007. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

071178 [Settlement of complaint by PG&E before the Federal Energy Regulatory Commission and approval of an Amended Interconnection Agreement with PG&E]
Supervisor Peskin

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-1190-000, et al, initiated by Pacific Gas & Electric Company to terminate the 1987 Interconnection Agreement between the City and PG&E; and approving an Amended Interconnection Agreement between the City and PG&E which provides for continued delivery of electricity to City facilities, among other things.

PASSED ON FIRST READING

071230 [Grant of Federal Funds - Municipal Transportation Agency]
Supervisor Sandoval

Resolution authorizing the Municipal Transportation Agency to accept and expend $1,690,546 of Lifeline Transportation Program (LTP) Funds for maintenance of the Municipal Railway's #108 Line between San Francisco and Treasure Island, expansion of MUNI's #29-Sunset Line service, and expansion of MUNI's Lifeline Fast Pass Distribution program, excluding Citywide indirect costs.

(Fiscal Impact.)

ADOPTED

071297 [Grant funds to support comprehensive drug court implementation]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of $287,177 from the California Department of Alcohol and Drug Programs (DADP) to plan and implement a dependency drug court that works across city departments; for the period of July 1, 2007 to December 31, 2007.

ADOPTED

Recommendation of the Land Use and Economic Development Committee

071149 [Planning Code-Amending Article 11 Designation of 225-227 Front Street]
Supervisor Peskin

Ordinance amending the designation of 225-227 Front Street (Assessor's Block 0237, Lot 005) from Category V (Unrated) to Category IV (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

FINALLY PASSED

Recommendations of the Rules Committee

071237 [Settlement of Lawsuit - Pacific Bell Telephone Company]
Ordinance authorizing settlement of the lawsuit filed by Pacific Bell Telephone Company against the City and County of San Francisco for $94,000.00; the lawsuit was filed on October 25, 2006 in San Francisco County Superior Court, Case No. 457-327; entitled Pacific Bell Telephone Company v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

071238 [Settlement of Lawsuit - Jane Martin, et al. (Order Sons of Italy) v. CCSF]
Ordinance authorizing settlement of the portion of the lawsuit filed by Order Sons of Italy in America Grand Lodge of the Golden West Corporation against the City and County of San Francisco for $75,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

071246 [Settlement of Lawsuit - Theodore Tarver, Jr. (Kathryn Cox) v. CCSF]

Ordinance authorizing settlement of an award of attorney's fees to attorney Kathryn Cox for $162,941 against the City and County of San Francisco; the underlying lawsuit was filed on July 19, 2002 in San Francisco Superior Court, Case No. 410499 entitled Theodore Tarver, Jr. v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

071252 [Settlement of City's Lawsuit Against Aquila, Inc. and Aquila Merchant Services, Inc.]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides $1,500,000 from defendants Aquila, Inc. and Aquila Merchant Services, Inc. to the City and County of San Francisco and the other plaintiffs, which will be used to prosecute the cases against the remaining defendants. (City Attorney)

FINALLY PASSED

071253 [Settlement of City's Lawsuit Against Enserco Energy, Inc.]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides $750,000 from defendant Enserco Energy, Inc. to the City and County of San Francisco and the other plaintiffs, which will be used to prosecute the cases against the remaining defendants. (City Attorney)

FINALLY PASSED

071256 [Settlement of City Claim Against PG&E]

Ordinance approving the settlement of a claim asserted by the City and County of San Francisco against Pacific Gas & Electric Company in the bankruptcy proceeding entitled In Re Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 01-30923-DM. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

071379 **[Adopting findings related to the reversal of the approval of the mitigated negative declaration issued by the Planning Commission for 601 Duboce Avenue Project]**

Motion adopting findings related to the reversal of the approval of the mitigated negative declaration issued by the Planning Commission for the 601 Duboce Avenue Project.

Supervisor Dufty was previously excused from voting on this matter.

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

From the City Operations and Neighborhood Services Committee Without Recommendation

071258 **[Urging the Golden Gate Bridge, Highway and Transportation District to Oppose the Golden Gate Bridge Partnership Program]**
Supervisors McGoldrick, Maxwell, Mirkarimi

Resolution urging the Golden Gate Bridge, Highway and Transportation District Board of Directors to Oppose the Golden Gate Bridge Partnership Program which would allow for the continued degradation of our public spaces by sanctioning, among other things, the placement of corporate logos on way-finding signage, posters, kiosks, and displays on Golden Gate Bridge property.

Continued to October 16, 2007

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendation of the Budget and Finance Committee

071233 **[Penalty for Removing Chalk Marks]**
Supervisor McGoldrick

Ordinance amending San Francisco Traffic Code Sections 21 and 132 to impose a penalty for removing chalk marks of one hundred ($100) dollars for any violation and to make minor changes to clarify the parking restriction. (Municipal Transportation Agency)

Supervisor McGoldrick requested to be added as a sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government Audit and Oversight Committee

071335 [Board response to the 2006-2007 Civil Grand Jury Report entitled "Continuity Report - Have City Agencies Done What They Said They Would Do After the Civil Grand Jury of 2005-2006 Issued Its Reports?"]

Supervisor Elsbernd

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2006-2007 Civil Grand Jury Report entitled "Continuity Report - Have City Agencies Done What They Said They Would Do After the Civil Grand Jury of 2005-2006 Issued Its Reports?".

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071336 [Board response to the 2006-2007 Civil Grand Jury Report entitled "The Entertainment Commission: A Work in Progress"]

Supervisor Elsbernd

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2006-2007 Civil Grand Jury Report entitled "The Entertainment Commission: A Work in Progress".

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071337 [Board response to the 2006-2007 Civil Grand Jury Report entitled "Preparing for a Disaster: Administrative Commitment and Appropriate Funding in the Department of Emergency Management and the Department of Public Health"]

Supervisor Elsbernd

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2006-2007 Civil Grand Jury Report entitled "Preparing for a Disaster: Administrative Commitment and Appropriate Funding in the Department of Emergency Management and the Department of Public Health".

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

071181 [Eddie Fung Day - November 10, 2007]

Supervisor Peskin

Resolution declaring November 10, 2007 as Eddie Fung Day in San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071185 [Condemning defamatory language used by radio personality Michael Savage against the immigrant community]

Supervisors Sandoval, Ammiano

Resolution condemning defamatory language used by radio personality Michael Savage against the immigrant community.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071312 [Confirmation of Human Resources Director]

Mayor

Motion confirming appointment of Micki Callahan as Human Resources Director.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recess

The Board recessed at the hour of 3:02 p.m.

Reconvening of the Board

The Board reconvened at the hour of 3:32 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval - 11

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Ammiano, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Maxwell welcomed, introduced, and presented a Certificate of Honor to James Dierke in recognition of his Principal Award.

Recess

The Board recessed at the hour of 3:38 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:01 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin - 8

Supervisors Daly, McGoldrick and Sandoval were noted absent at 4:01 p.m.

SPECIAL ORDER 4:00 P.M.

070910 **[Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

The President inquired as to whether any member of the public wished to address the Board members. Continued to October 30, 2007.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070911 **[Affirming the categorical exemption issued for the 3424 Jackson Street project]**

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 30, 2007

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, Sandoval

070912 **[Disapproving the categorical exemption issued for the 3424 Jackson Street project]**

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 30, 2007

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, Sandoval

070913 **[Preparation of findings related to the 3424 Jackson Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 30, 2007

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, Sandoval

SPECIAL ORDER 4:00 P.M.

071265 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 2721 Pierce Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 19, 2007, Case No. 2006.1415D, (Building Permit Application No. 2006.07.03.5586) is exempt from environmental review under Categorical Exemption, [State CEQA Guidelines, Section 15301 Class 1]. The proposal consists of adding two windows on the facade, removing a rear sun porch and adding a two-story rear addition at 2721 Pierce Street, Lot 006 in Assessor's Block 0560. (Appellants: Susan Brandt-Hawley on behalf of Judge Carlos Bea and Louise Bea)

(Filed August 31, 2007; Companion Files to 071266, 071267, 071268; District 2.)

The President inquired as to whether any member of the public wished to address the Board members.
Continued to November 13, 2007

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

071266 [Affirming the categorical exemption issued for 2721 Pierce Street]

Motion affirming the determination by the Planning Department that the 2721 Pierce Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to November 13, 2007

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, Sandoval

071267 [Disapproving the categorical exemption issued for 2721 Pierce Street]

Motion disapproving the determination by the Planning Department that the 2721 Pierce Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to November 13, 2007

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, Sandoval

071268 [Preparation of findings related to the 2721 Pierce Street Project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 2721 Pierce Street is exempt from environmental review under the California Environmental Quality Act.

Continued to November 13, 2007

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Male speaker; expressed concern with issues relating to politics in San Francisco and the loss of historical activities in San Francisco
Eugene Gordon, Jr.; expressed concern with issues relating to the violation of human rights
John di Donna; expressed concern with issues relating to morality
Male speaker; expressed concern with issues relating to homeless shelters for the elderly
Evan Jacobs; expressed concern with issues relating to a possible strike by the nurses
Steven Worsley; expressed concern with issues relating to Coit Tower and concession rights
Grasshopper Adam Kaplan; expressed concern with issues relating to SF County Jail and opposing ID Immigration
Star Davies; expressed concern with issues relating to the homeless conditions
John; expressed concern issues with relating to renters rights and costs for renters
Richard Robinson; showed interest in transgender marriages

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

Supervisor Sandoval was noted absent at 2:58 p.m.

071382 **[Approval of a 90 day extension for Planning Commission review in order to complete an addendum to an associated environmental impact report]**
Supervisor Mirkarimi

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Sectional Map 2 of the Zoning Map of the City and County of San Francisco to a date within two weeks of the environmental review hearing for the same action. The proposed Ordinance would specifically change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets, from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

071383 **[Local support for Divisadero Streetscape Project]**
Supervisor Mirkarimi

Resolution authorizing local support for the Divisadero Streetscape Project, designating DPW as the eligible sponsor for funding related to this project, and taking other official acts in furtherance of this project.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

Severed from the Without Committee Reference Agenda

Supervisor Dufty requested that this matter be severed so that it might be considered separately.

Supervisor Dufty Excused From Voting

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to excuse Supervisor Dufty, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Dufty

071380 **[Approval of a six month extension for Planning Commission review of the Laguna, Haight, Buchanan and Hermann Streets Special Use District Ordinance and Zoning Map Amendments]**
Supervisor Ammiano

Resolution extending by 6 months the prescribed time within which the Planning Commission may render its decision on two proposed Ordinances that would create the Laguna, Haight, Buchanan and Hermann Streets Special Use District and amend Section Maps 7, 7H and 7SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Blocks 857 and portions of Assessor's Block 870, bounded by Laguna, Buchanan, Haight and Hermann Streets, from P (Public) to either NC-3 (Moderate-Scale Neighborhood Commercial District) or RM-3 (Residential, Mixed Districts, Medium Density) and mapping the Laguna, Haight, Buchanan and Hermann Streets Special Use District; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Dufty

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Ammiano, seconded by Supervisor Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Ammiano, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

071387 [Urging the Congress and the Congressional leadership to include gender identity in ENDA]
Supervisors Ammiano, Dufty, Mirkarimi

Resolution urging the Congress and the Congressional leadership to include gender identity in the Employment Non-Discrimination Act (ENDA) legislation, currently pending in the House of Representatives.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

Supervisor Sandoval was noted present at 3:01 p.m.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Elsbernd, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071388 **[Commending James S. Dierke]**
Supervisors Maxwell, Elsbernd, McGoldrick, Ammiano, Dufty, Mirkarimi

Resolution commending James S. Dierke as recipient of the MetLife/National Association of Secondary School Principal of the Year Award for providing high-quality learning opportunities for students as well as for his exemplary contribution to the Association of Secondary School Principal profession, and declaring October 2, 2007 "James S. Dierke Day" in San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

071350 **[Settlement of Lawsuit - Elfie Jansel]**

Ordinance authorizing settlement of the lawsuit filed by Elfie Jansel against the City and County of San Francisco for $98,000; the lawsuit was filed on May 26, 2006 in San Francisco Superior Court, Case No. CGC06-452649; entitled Elfie Jansel v. City and County of San Francisco, et al. (City Attorney)

9/19/07, RECEIVED AND ASSIGNED to Rules Committee.

071351 **[Settlement of Lawsuit - Marie Doe]**

Ordinance authorizing settlement of the lawsuit filed by Marie Doe against the City and County of San Francisco for $35,000; the lawsuit was filed on November 18, 2004 in United States District Court, Case No. C04-4914 MJJ; entitled Marie Doe, et al. v. City and County of San Francisco, et al. (City Attorney)

9/19/07, RECEIVED AND ASSIGNED to Rules Committee.

071364 **[Transit Shelter Advertising Agreement]**

Ordinance approving Transit Shelter Advertising Agreement between the City and County of San Francisco and Clear Channel Outdoor Inc. (Municipal Transportation Agency)

9/24/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071281 **[Procurement of Construction Management and General Contractor services for the new Public Utilities Commission administrative building at 525 Golden Gate]**

Ordinance approving an Integrated Project Delivery Plan for the early procurement of a Construction Manager/General Contractor for the new Public Utilities Commission administrative building at 525 Golden Gate Avenue and modifying the competitive bid requirements of Administrative Code Chapter 6 to authorize an alternative competitive process based on experience, qualifications, and price. (Public Utilities Commission)

9/10/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

9/24/07, SUBSTITUTED. San Francisco Public Utilities Commission submitted a substitute ordinance bearing new title.

9/24/07, ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTION

071365 **[Proposition J: Contracting Out Transit Shelter Advertising and Maintenance Services]**

Resolution concurring with the Controller's determination that it is more economical for the San Francisco Municipal Transportation Agency to contract for transit shelter advertising and maintenance services than to provide the same services with City employees for Fiscal Year 2007-08.

9/24/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:03 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

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Tuesday, October 16, 2007 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Carmen Chu, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll all Supervisors Ammiano and Chu were noted absent.

There was a quorum.

Supervisor Chu was noted present at 2:08 p.m.
Supervisor Ammiano was noted present at 2:09 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve Board Meeting Minutes for September 18, 2006. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

071178 **[Settlement of complaint by PG&E before the Federal Energy Regulatory Commission and approval of an Amended Interconnection Agreement with PG&E]**

Supervisor Peskin

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-1190-000, et al, initiated by Pacific Gas & Electric Company to terminate the 1987 Interconnection Agreement between the City and PG&E; and approving an Amended Interconnection Agreement between the City and PG&E which provides for continued delivery of electricity to City facilities, among other things.

FINALLY PASSED

071233 **[Penalty for Removing Chalk Marks]**
Supervisor McGoldrick

Ordinance amending San Francisco Traffic Code Sections 21 and 132 to impose a penalty for removing chalk marks of one hundred ($100) dollars for any violation and to make minor changes to clarify the parking restriction. (Municipal Transportation Agency)

FINALLY PASSED

Recommendations of the Rules Committee

071350 **[Settlement of Lawsuit - Elfie Jansel]**
Ordinance authorizing settlement of the lawsuit filed by Elfie Jansel against the City and County of San Francisco for $98,000; the lawsuit was filed on May 26, 2006 in San Francisco Superior Court, Case No. CGC06-452649; entitled Elfie Jansel v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

071351 **[Settlement of Lawsuit - Marie Doe]**
Ordinance authorizing settlement of the lawsuit filed by Marie Doe against the City and County of San Francisco for $35,000; the lawsuit was filed on November 18, 2004 in United States District Court, Case No. C04-4914 MJJ; entitled Marie Doe, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

071318 **[Appointment - Peak Oil Preparedness Task Force]**
Resolution appointing Jeanne-Marie Rosenmeier, Carl Duisberg, Bernard Meyerson and Jan Lundberg to the Peak Oil Preparedness Task Force, terms ending October 5, 2008, residency requirement waived.

Jeanne-Marie Rosenmeier, new appointment, seat 1, must represent the public at large, for a one-year term ending October 5, 2008.
Carl Duisberg (residency requirement waived), new appointment, seat 2, must represent the public at large, for a one-year term ending October 5, 2008.
Bernard Meyerson, new appointment, seat 3, must represent the public at large, for a one-year term ending October 5, 2008.
Jan Lundberg, new appointment, seat 4, must represent the public at large, for a one-year term ending October 5, 2008.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

071397 **[Adopting findings related to affirming the categorical exemption issued for 317 Cortland Street]**

Motion adopting findings related to affirming the determination by the Planning Department that the 317 Cortland Street project is categorically exempt from environmental review under the California Environmental Quality Act.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071410 **[Adopting findings related to disapproving the categorical exemption issued for 445 Wawona Street]**

Motion adopting findings related to disapproving the determination by the Planning Department that the 445 Wawona Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Elsbernd requested to be added as a sponsor.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

071231 **[Lease of Real Property at 1390 Market Street]**

Mayor

Resolution authorizing the lease of 6,029 square feet of space in the building located at 1390 Market Street for the Office of Labor Standards Enforcement.

(Fiscal Impact.)

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Resolution be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070961 **[Recreation and Park Commission--Authorization to Modify Golf Course Hours and Fees; Creation of Golf Course Task Force]**

Supervisor McGoldrick

Ordinance adding Section 12.46 to Article 12 of the San Francisco Park Code to authorize the Recreation and Park Commission to modify golf course hours and fees; and to create a Golf Course Task Force that will evaluate measures to reduce General Fund support for operation and maintenance of golf courses, and explore alternative revenue sources.

(No Economic Impact)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Daly, Elsbernd, Chu

Continued as amended to October 23, 2007

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Dufty, Elsbernd, Chu

071128 **[De-appropriating $45,717 of General Fund and Appropriating $45,717 for a Golf Course Task Force in the Department of Recreation and Park for Fiscal Year 2007-2008]**

Supervisor McGoldrick

Ordinance de-appropriating $45,717 for Golden Gate Park Stables in the Department of Recreation and Park, and appropriating $45,717 for a half-time 1823 Senior Administrative Analyst position to staff a Golf Course Task Force in the Department of Recreation and Park for Fiscal Year 2007-2008.

(Supervisor Dufty dissented in committee.)

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071129 **[Public Employment - Recreation and Park Department]**

Supervisor McGoldrick

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) to reflect the addition of one position (.37 FTE) Class 1823 - Senior Administrative Analyst in the Recreation and Park Department.

(Supervisor Dufty dissented in committee.)

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the City Operations and Neighborhood Services Committee Without Recommendation

071258 **[Urging the Golden Gate Bridge, Highway and Transportation District to Oppose the Golden Gate Bridge Partnership Program]**

Supervisors McGoldrick, Maxwell, Mirkarimi

Resolution urging the Golden Gate Bridge, Highway and Transportation District Board of Directors to Oppose the Golden Gate Bridge Partnership Program which would allow for the continued degradation of our public spaces by sanctioning, among other things, the placement of corporate logos on way-finding signage, posters, kiosks, and displays on Golden Gate Bridge property.

Continued to October 23, 2007

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

071228 [Clean and Safe Neighborhood Parks General Obligation Bond Election]
Mayor, Supervisors Peskin, Elsbernd, Dufty

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, February 5th 2008, for the purpose of submitting to the voters of the City and County of San Francisco a proposition to incur the following bonded debt of the City and County: One Hundred and Eighty-Five Million Dollars ($185,000,000) for the construction, reconstruction, purchase, and/or improvement of park, and recreation facilities within the City and County of San Francisco and all other structures, and improvements, and related costs necessary or convenient for the foregoing purposes and paying all other costs necessary and convenient for effectuating those purposes; authorizing landlords to pass-through fifty percent (50%) of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefore by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest thereof; prescribing notice to be given of such election; finding that a portion of the proposed project is categorically exempt from the California Environmental Quality Act, and the remainder of the proposed project is excluded from the California Environmental Quality Act; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071281 [Procurement of Construction Management and General Contractor services for the new Public Utilities Commission administrative building at 525 Golden Gate]

Ordinance approving an Integrated Project Delivery Plan for the early procurement of a Construction Manager/General Contractor for the new Public Utilities Commission administrative building at 525 Golden Gate Avenue and modifying the competitive bid requirements of Administrative Code Chapter 6 to require an alternative competitive process based on experience, qualifications, and price. (Public Utilities Commission)

Supervisor McGoldrick requested to be added as a sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071300 **[Approving Agreement with Northern California Joint Pole Association]**
Supervisor Peskin

Ordinance approving an agreement between the City and County of San Francisco and the Northern California Joint Pole Association for a term potentially in excess of ten years and indemnifying the Northern California Joint Pole Association and its members from certain third-party claims for personal injury or property damage, and waiving certain requirements of the San Francisco Administrative Code with respect to the agreement.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071375 **[Public Employment - Department of Children Youth and their Families]**
Supervisor Peskin

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) to reflect the addition of an 1823 Senior Administrative Analyst and the deletion of an 1822 Administrative Analyst in the Department of Children Youth and their Families.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071280 **[Sale of Surplus Real Property Located in the City of South San Francisco]**

Resolution approving an Agreement For Sale of Real Estate between the City and County of San Francisco and The Redevelopment Agency of the City of South San Francisco pertaining to approximately 13.64 acres of land located in the vicinity of Chestnut Avenue and El Camino Real in the City of South San Francisco; adopting findings that the transaction is categorically exempt from environmental review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property and/or the General Manager of the San Francisco Public Utilities Commission to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071295 **[Solar Power Projects Long Term Interconnection Agreements]**
Supervisor Mirkarimi

Resolution authorizing the San Francisco Public Utilities Commission General Manager to enter into long term interconnection agreements for photovoltaic power plants projects on City buildings, pursuant to San Francisco Charter Section 9.118.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071311 [Java House Café, LLC Lease]
Mayor

Resolution approving Port Commission Lease No. 14100 with Java House, LLC, a lease with a fifteen (15) year term for certain real property located at Pier 40½ in the City and County of San Francisco at rents starting at the higher of $2,045.00 per month or 7.5% of tenant's gross revenues.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071373 [HOPE SF Criteria and Procedures]
Supervisor Maxwell

Resolution approving criteria and procedures for allocating and expending HOPE SF Funds and authorizing expenditure of HOPE SF Funds consistent with the approved criteria and procedures.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

071377 [Amendment to Budget Analyst contract to exercise two year option]
Supervisor Peskin

Motion approving exercising the final option set forth in the agreement for Professional Budget Analyst Services between the City and County of San Francisco and Stanton W. Jones and Associates; Debra A. Newman; Rodriguez, Perez, Delgado & Company Certified Public Accountants; Harvey M. Rose Associates LLC; and Louie & Wong LLP Certified Public Accountants ("A Joint Venture") to extend the term of the Agreement from January 1, 2008 through December 31, 2009.

(Fiscal Impact.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071378 [Request for Proposals process for Budget Analyst services]
Supervisor Peskin

Motion directing the Clerk of the Board to initiate a Request for Proposals process for Budget Analyst services.

Amended on page 2, line, 2, after the word "process" by inserting "unless the Board of Supervisors requests a sole source contract."

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Daly, Elsbernd, Chu

APPROVED AS AMENDED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Peskin, Sandoval
Noes: 3 - Daly, McGoldrick, Mirkarimi

071298 [Approval of Modification No. 6 to Lease and Use Agreement L-82-0134 with Alaska Airlines, Inc. at San Francisco International Airport]
Supervisor Dufty

Resolution approving and authorizing the execution of Modification No. 6 to the Lease and Use Agreement L-82-0134 with Alaska Airlines, Inc., to realign terminal space in Terminal 1 of San Francisco International Airport.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071310 [Approval of Addendum to Port Lease for Living Classroom at Heron's Head Park]
Supervisor Maxwell

Resolution approving an Addendum to Lease No. 13816 with Literacy for Environmental Justice for Construction, Maintenance, and Operation of a Living Classroom Building at Heron's Head Park.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071361 [Approval of Exercise of Renewal Option of Lease of Real Property at One Market Plaza]

Resolution approving the exercise of a Six Month Renewal Option of a lease of 20,677 square feet of office, storage and datacenter space at One Market Plaza for the Department of Telecommunications and Information Services (DTIS). (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071327 [Extending to September 30, 2008 the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy through which the Authority provides caretaker services at former Naval Station Treasure Island]

Resolution approving and authorizing the Treasure Island Development Authority to retroactively enter into a modification to the Cooperative Agreement with the Navy to extend the Cooperative Agreement from October 1, 2007 to September 30, 2008. (Treasure Island Development Authority)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071344 [Master Agreement for State Aid Transportation Funds]
Mayor

Resolution approving the execution of a Master Agreement for State-Aid Projects between the City and County of San Francisco, through its Municipal Transportation Agency (for the Department of Parking and Traffic), and the California Department of Transportation.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071169 [Workforce Development Audit]
Supervisor Ammiano

Motion concurring with the Budget Analyst's findings and recommendations as stated in the "Management Audit of San Francisco's Workforce Development Program".

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

071296 [Appropriating $100,000 of General Fund Reserve to General City Responsibility for Hurricane Relief in Nicaragua]
Supervisors Daly, Ammiano, Sandoval

Ordinance appropriating $200,000 from the General Fund Reserve to General City Responsibility for hurricane relief in Nicaragua for Fiscal Year 2007-2008.

(Fiscal Impact.)

Amended by reducing the amount from $200,000 to "$100,000.

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Ordinance appropriating $100,000 from the General Fund Reserve to General City Responsibility for hurricane relief in Nicaragua for Fiscal Year 2007-2008.

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Elsbernd, Chu

Supervisor Daly was noted absent at 3:33 p.m.

071364 **[Transit Shelter Advertising Agreement]**

Ordinance approving Transit Shelter Advertising Agreement between the City and County of San Francisco and Clear Channel Outdoor Inc. (Municipal Transportation Agency)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Mirkarimi
Absent: 1 - Daly

071365 **[Proposition J: Contracting Out Transit Shelter Advertising and Maintenance Services]**

Resolution concurring with the Controller's determination that it is more economical for the San Francisco Municipal Transportation Agency to contract for transit shelter advertising and maintenance services than to provide the same services with City employees for Fiscal Year 2007-08. (Municipal Transportation Agency)

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Mirkarimi
Absent: 1 - Daly

From the Land Use and Economic Development Committee Without Recommendation

070947 **[Exempting Wind Turbines from Bernal Heights Special Use District Height Limits]**
Supervisor Ammiano

Ordinance amending the San Francisco Planning Code by amending Section 242 (e)(1)(D) to allow certain wind power generators within the Bernal Heights Special Use District subject to height limitations set forth in Section 260(b)(1)(A), making environmental findings, general plan findings, and other required findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

071122 **[Zoning - Interim zoning controls requiring conditional use authorization for new development in the Bernal Heights Brewster/Joy Neighborhood]**
Supervisors Ammiano, Mirkarimi, Peskin

Resolution approving interim zoning controls requiring conditional use authorization for new development in the Bernal Heights Brewster/Joy Neighborhood on the East Slope of Bernal Heights for 18 months, and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

Recommendations of the Rules Committee

071093 **[Urging the American Psychological Association to end its acquiescence in regard to participation of psychologists in interrogation of detainees in Iraq, Afghanistan and Guantanamo Bay]**
Supervisor Ammiano

Resolution requesting that the American Psychological Association reconsider its stance regarding the participation of psychologists in interrogations of detainees by restricting the use of psychologists to providing therapeutic benefits in all sites where detainees are held without due process in violation of international human rights law.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

071307 **[Iraq Moratorium]**
Supervisors Ammiano, Daly

Resolution endorsing the Iraq Moratorium's demands to stop the war and bring the troops home.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

071341 **[Rules of Order - Material Economic Impact Legislation]**
Supervisor Peskin

Motion amending Rule 6.25 of the Rules of Order of the Board to clarify its applicability to the Board proceedings and its inapplicability to determinations of material economic impact by the Office of Economic Analysis.

APPROVED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

071399 **[Waiver permitting City Employees to assist the Department of Elections with the November 6, 2007 election]**
Supervisor Peskin

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the November 6, 2007 election.

APPROVED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

From the Rules Committee Without Recommendation

071302 **[Amending the Board's Rules to require a Supervisor request an item be heard at committee prior to calling it to be heard at the Full Board]**
Supervisor Peskin

Motion amending Rule 5.31 to the Board of Supervisors' Rules of Order, to require a Supervisor request a hearing at a Committee of the Board before calling an item to be heard before the full Board of Supervisors.

Amend on page 1, line 23, after "referred" by inserting "upon receipt of the request the Clerk of the Board shall notify the Committee Chair of the request."

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

APPROVED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

From the Rules Committee Without Recommendation

071051 **[Charter amendment - Minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws]**
Supervisor Alioto-Pier

Charter amendment (First Draft) to add Section 15.104 to create minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved an amendment of the whole.
Motion to amend passed without objection.

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to further amend on page 1 "(4)" by replacing "4 years" with 2 years".

Motion to further amend passed by the following vote:
Ayes: 8 - Ammiano, Chu, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 1 - Daly

Continued as amended to October 23, 2007 with the Board sitting as a Committee of the Whole.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

Continued as amended to October 23, 2007 with the Board sitting as a Committee of the Whole.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor Alioto-Pier welcomed, introduced and presented a Certificate of Honor to Abe Valente & Sons Plumbing Company in recognition of 100 years of being in business in San Francisco.

SPECIAL ORDER 3:30 P.M

070967 **[Public Hearing - Appeal of Minor Sidewalk Encroachment for 1166 Haight Street]**
Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated June 13, 2007, approving a request of Minor Sidewalk Encroachment Permit to construct a warped driveway ramp and two (2) planter boxes to encroach 3'-0" into the public sidewalk right-of-way (25% of the sidewalk width as allowed by Article 15, Section 723.2 of the Public Works Code) fronting the property at 1166 Haight Street to provide access to a proposed garage below grade. (Appellant: Raquel Fox.)

(Filed June 28, 2007; companion measure to Files 070968, 070969; District 5.)

The President of the Board inquired as to whether any member of the public wished to address the Board members
Continued to October 30, 2007

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the minor sidewalk encroachment permit appeal described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070968 **[Minor Sidewalk Encroachment Permit Appeal]**

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the Encroachment Permit.

Continued to October 30, 2007

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

070969 **[Minor Sidewalk Encroachment Permit Appeal]**

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the appeal.

Continued to October 30, 2007

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

COMMITTEE REPORTS

071158 **[Approving General Plan Amendments Related to Market & Octavia Area Plan]**
Supervisor Mirkarimi

Ordinance amending the San Francisco General Plan by adding a new area plan entitled the Market & Octavia Area Plan, and approving General Plan amendments to implement the Market and Octavia Neighborhood Plan by amending the Commerce and Industry, Housing, Recreation and Open Space and Transportation Elements, the Civic Center Area Plan, Downtown Area Plan, South of Market Area Plan, and the Land Use Index; providing the ordinance shall not be effective until the effective date of an additional affordable housing program for the Market and Octavia area plan to be adopted by the Board of Supervisors; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

8/13/07 - Economic Impact.

Supervisor Dufty was previously excused from voting this matter.

Supervisor Mirkarimi, seconded by Supervisor Sandoval, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Dufty

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Dufty

ROLL CALL FOR INTRODUCTIONS

Supervisor Daly was noted present at 4:44 p.m.

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdalla Megahed; expressed concern with issues relating to homelessness
James Chaffee; expressed concern with issues relating to the SF Public Library
Grasshooper Alan Kaplan: expressed with issues relating to the homelessness and housing
Male speaker; expressed concern with issues relating to the politicians in San Franciscan and the General Manager of the Recreation and Park Department and appreciated the Blue Angels air show
Peter Warfield; expressed concern with issues relating to the SF Public Library
Eugene Gordon Jr.; expressed concern with issues relating to the violation of human rights
Silvia Johnson; expressed concern with issues relating to general issues
John di Donna; shared a poem with the Board members
Tim Lipstill; expressed concern with issues relating to wood window workers and workers rights

Supervisors Daly and Dufty were noted absent at 5:05 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

071405 **[Landmark Designation nomination for Mary Ellen Pleasant Trees located at 1661 Octavia Street]**
Supervisors Maxwell, Mirkarimi

Resolution of intent initiating the nomination of the mature blue gum (Eucalyptus globulus) trees located at 1661 Octavia Street (Assessor's Block 647 lot 002) for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging the temporary designation of such tree pursuant to Public Works Section 810(d), and authorizing other official acts in furtherance of the Resolution.

ADOPTED

071406 [Approval of a 90 day extension for Planning Commission review]
Supervisor Alioto-Pier

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would add Planning Code Section 320, 320.1, 320.2 and 320.3 establishing a process to permit the adoption or expenditure of neighborhood impact fees as defined in the ordinance only after the Planning Department has conducted or caused to be conducted an impact study supporting the imposition of such a fee and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

071407 [Commending Virginia Harmon on her service to the City and County of San Francisco as the Executive Director of the Human Rights Commission]
Supervisors Dufty, Ammiano, Maxwell

Resolution commending Virginia Harmon on her service to the City and County of San Francisco as the Executive Director of the Human Rights Commission.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, Dufty

Severed from the Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

071415 **[Committee of the Whole on October 16, 2007 - Establishing Board procedures for the official misconduct proceedings against Supervisor Edmund Jew]**
Supervisor Sandoval

Motion directing the Clerk of the Board of Supervisors to advertise for outside counsel to represent the Board of Supervisors on the matter of the official misconduct charges filed against Supervisor Edmund Jew, setting forth the process of selecting said outside counsel, and requiring that all hearings before the Board of Supervisors regarding the official misconduct proceedings against Supervisor Jew occur in a Committee of the Whole of the Board of Supervisors.

Supervisor Chu requested to divide the question relating to the directing the Clerk of the Board of Supervisors to advertise for outside counsel to represent the Board of Supervisors on the matter of the official misconduct charges filed against Supervisor Edmund Jew, setting forth the process of selecting said outside counsel.
The divided question passed by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, Dufty

Supervisor Maxwell, seconded by Supervisor Sandoval, moved to excuse Supervisor Chu from voting on the remaining question relating to requiring that all hearings before the Board of Supervisors regarding the official misconduct proceedings against Supervisor Jew occur in a Committee of the Whole of the Board of Supervisors.

The remaining question passed by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1- Chu
Absent: 2 - Daly, Dufty
APPROVED AS DIVIDED.

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

071403 **[Advertising for and Selection Process of Outside Counsel for the Board of Supervisors]**
Supervisor Elsbernd

Motion directing the Clerk of the Board of Supervisors to advertise for outside counsel to represent the Board of Supervisors on the matter of the official misconduct charges filed against Supervisor Edmund Jew, and setting forth the process of selecting said outside counsel.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, Dufty

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

071404 **[Urging issuance of a Request for Proposals for an Open Source Voting System for the November 4, 2008 General Election]**
Supervisor Daly

Resolution endorsing the use of Open Source software in voting systems for the City and County of San Francisco and urging the Mayor to urge the Director of Elections to prepare and issue a Request for Proposals for an Open Source voting system for the November 4, 2008 General Election.

Supervisor Elsbernd requested to refer this matter to Committee.
REFERRED.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

071411 **[Settlement of Lawsuit - Robert Kellogg, Jr.]**
Ordinance authorizing settlement of the lawsuit filed by Robert Kellogg, Jr., against the City and County of San Francisco and Philip J. Welsh for $150,000; the lawsuit was filed on January 6, 2006 in San Francisco Superior, Case No. 446-493; entitled Robert Kellogg, Jr. v. City and County of San Francisco, et al. (City Attorney)
10/5/07, RECEIVED AND ASSIGNED to Rules Committee.

071412 **[Settlement of Lawsuit - Mitchell Engineering/J. Fletcher Creamer & Son, Inc.]**
Ordinance authorizing settlement of the lawsuit filed by Mitchell Engineering/J. Fletcher Creamer & Son, Inc. against the City and County of San Francisco for $775,000; the lawsuit was filed on July 6, 2005 in San Joaquin County Superior Court, Case No. CV 026863; entitled Mitchell Engineering/J/ Fletcher Creamer & Son, Inc., et al., v. City and County of San Francisco, et al. (City Attorney)
10/5/07, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

071384 **[Settlement of Unlitigated Claim - PG&E]**
Resolution approving the settlement of the unlitigated claim filed by Pacific Gas & Electric against San Francisco for $238,594; claim was filed on June 19, 2007. (City Attorney)
9/25/07, RECEIVED AND ASSIGNED to Rules Committee.

071385 **[Authorizing the Department of Telecommunications and Information Services to amend an agreement with CA, Inc. to extend the term of the agreement from ten years to thirteen years with an option for another three years]**
Resolution authorizing the Department of Telecommunications and Information Services ("DTIS") to enter into the Second Amendment of an agreement between the City and County of San Francisco ("City") and CA, Inc. ("CA") to extend term of the agreement to thirteen years with an option for another three years. (Telecommunications and Information Services)
9/28/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071386 **[Approving a contract with anticipated expenditures in excess of $10 million]**

Resolution approving an Agreement between the City and County of San Francisco and S & S Trucking (Contractor) for hauling biosolids (sludge) and grit estimated to exceed $10 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

10/1/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071409 **[Street Artist Winter Holiday Spaces]**

Supervisor Dufty

Resolution approving temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2007, beginning on November 15, 2007 and ending on January 15, 2008. (Arts Commission)

10/3/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 5:13 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

DOCUMENTS DEPT.
OCT 26 2007
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, October 23, 2007 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Carmen Chu, Sophie Maxwell, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll all Supervisor McGoldrick was noted absent.

Supervisor McGoldrick was excused from attending today's meeting.

Supervisor McGoldrick Excused From Attendance

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to excuse Supervisor McGoldrick from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Dufty, moved to approve Board Meeting Minutes of September 25, 2007. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

071228 **[Clean and Safe Neighborhood Parks General Obligation Bond Election]**
Mayor, Supervisors Peskin, Elsbernd, Dufty

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, February 5th 2008, for the purpose of submitting to the voters of the City and County of San Francisco a proposition to incur the following bonded debt of the City and County: One Hundred and Eighty-Five Million Dollars ($185,000,000) for the construction, reconstruction, purchase, and/or improvement of park, and recreation facilities within the City and County of San Francisco and all other structures, and improvements, and related costs necessary or convenient for the foregoing purposes and paying all other costs necessary and convenient for effectuating those purposes; authorizing landlords to pass-through fifty percent (50%) of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefore by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest thereof; prescribing notice to be given of such election; finding that a portion of the proposed project is categorically exempt from the California Environmental Quality Act, and the remainder of the proposed project is excluded from the California Environmental Quality Act; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

FINALLY PASSED

071281 **[Procurement of Construction Management and General Contractor services for the new Public Utilities Commission administrative building at 525 Golden Gate]**
Supervisor McGoldrick

Ordinance approving an Integrated Project Delivery Plan for the early procurement of a Construction Manager/General Contractor for the new Public Utilities Commission administrative building at 525 Golden Gate Avenue and modifying the competitive bid requirements of Administrative Code Chapter 6 to require an alternative competitive process based on experience, qualifications, and price. (Public Utilities Commission)

FINALLY PASSED

071300 **[Approving Agreement with Northern California Joint Pole Association]**
Supervisor Peskin

Ordinance approving an agreement between the City and County of San Francisco and the Northern California Joint Pole Association for a term potentially in excess of ten years and indemnifying the Northern California Joint Pole Association and its members from certain third-party claims for personal injury or property damage, and waiving certain requirements of the San Francisco Administrative Code with respect to the agreement.

FINALLY PASSED

071375 [Public Employment - Department of Children Youth and their Families]
Supervisor Peskin

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) to reflect the addition of an 1823 Senior Administrative Analyst and the deletion of an 1822 Administrative Analyst in the Department of Children Youth and their Families.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

070970 [Liquor License Transfer, 2480 San Bruno Avenue]
Resolution determining that the transfer of a Type 21 off-sale general license from 667-669 Geary Street to 2480 San Bruno Avenue to Hing Yue, Inc. dba San Bruno Supermarket will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

070992 [Liquor License, 22 Peace Plaza, Space 525]
Resolution determining that the issuance of a Type 48 on-sale general public premises license in exchange for a Type 47 on-sale general eating place license to Wen Wen Lin dba Kabuki Night Club at 22 Peace Plaza, Space 525, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

071192 [Liquor License Transfer - 1641 Fillmore Street]
Resolution determining that the transfer of a Type 21 off-sale general license from 1669 Fillmore Street to 1641 Fillmore Street to John Kyoyoon Lee dba Fillmore Market will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

071262 [Study of HIV transmission behavior in HIV-positive men]
Resolution authorizing the San Francisco Department of Public Health (DPH), to enter retroactively into an agreement in the amount of $37,906 with the University of California, San Francisco (UCSF), the primary contractor, to participate in a study to examine decisions to have high transmission-risk sex; study the efficacy of a prevention counseling intervention; and determine whether future episodes of unprotected sex are reduced, for the period of September 1, 2006 to August 31, 2007. (Public Health Department)

ADOPTED

071304 [Accept-Expend Federal/State Pass Through Grant - Department of Public Library]
Mayor

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $13,398 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education.

ADOPTED

071345 [Accept-Expend Federal Grant, Department of the Environment - $200,000]
Mayor

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $200,000 from the U.S. Department of Energy for the Solar America Initiative in order to fund technical consultants, the development and publication of outreach materials and City staff time over a two-year period for the purpose of energy reduction.

ADOPTED

071381 [Accept-Expend Federal Grant - Mayor's Office of Criminal Justice]
Supervisor Alioto-Pier

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend a grant in the amount of $400,000 from the Department of Justice (DOJ), Office of Violence Against Women (OVW), FY2007 Safe Havens: Supervised Visitation and Safe Exchange Program for the purpose of supporting supervised visitation and safe exchange options for families with a history of violence or abuse.

ADOPTED

071391 [Grant to fund child safety and occupant protection in San Francisco]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a grant for $387,557 from the California Office of Traffic Safety (OTS), which includes contracts with the San Francisco Study Center for $78,750 and O'Rorke, Inc. for $80,000; for the period of January 1, 2008 through September 30, 2009.

ADOPTED

071392 [State Grant to support the Pierce's Disease Control Program]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH), to retroactively accept and expend funds from the California Department of Food and Agriculture (CDFA) in the amount of $191,664.48 in support of the Pierce's Disease Control Program, for the period of July 1, 2007 through June 30, 2010.

ADOPTED

071400 [Retroactive Accept and Expend State Grant - Department of the Environment]
Supervisor Mirkarimi

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of $206,125.00 from the California Integrated Waste Management Board for the purpose of increasing Used Motor Oil Recycling and Household Hazardous Waste Management.

ADOPTED

Recommendations of the Rules Committee

071350 [Settlement of Lawsuit - Elfie Jansel]

Ordinance authorizing settlement of the lawsuit filed by Elfie Jansel against the City and County of San Francisco for $98,000; the lawsuit was filed on May 26, 2006 in San Francisco Superior Court, Case No. CGC06-452649; entitled Elfie Jansel v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

071351 [Settlement of Lawsuit - Marie Doe]

Ordinance authorizing settlement of the lawsuit filed by Marie Doe against the City and County of San Francisco for $35,000; the lawsuit was filed on November 18, 2004 in United States District Court, Case No. C04-4914 MJJ; entitled Marie Doe, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

From the Land Use and Economic Development Committee Without Recommendation

070947 [Exempting Wind Turbines from Bernal Heights Special Use District Height Limits]
Supervisor Ammiano

Ordinance amending the San Francisco Planning Code by amending Section 242 (e)(1)(D) to allow certain wind power generators within the Bernal Heights Special Use District subject to height limitations set forth in Section 260(b)(1)(A), making environmental findings, general plan findings, and other required findings.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Committee Without Recommendation

070961 **[Recreation and Park Commission--Authorization to Modify Golf Course Hours and Fees; Creation of Golf Course Task Force]**

Supervisor McGoldrick

Ordinance adding Section 12.46 to Article 12 of the San Francisco Park Code to authorize the Recreation and Park Commission to modify golf course hours and fees; and to create a Golf Course Task Force that will evaluate measures to reduce General Fund support for operation and maintenance of golf courses, and explore alternative revenue sources.

(Supervisor Dufty dissented in committee.)

Continued to October 30, 2007

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

071296 **[Appropriating $100,000 of General Fund Reserve to General City Responsibility for Hurricane Relief in Nicaragua]**

Supervisors Daly, Ammiano, Sandoval

Ordinance appropriating $100,000 from the General Fund Reserve to General City Responsibility for hurricane relief in Nicaragua for Fiscal Year 2007-2008.

FINALLY PASSED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 2 - Elsbernd, Chu
Excused: 1 - McGoldrick

071364 **[Transit Shelter Advertising Agreement]**

Ordinance approving Transit Shelter Advertising Agreement between the City and County of San Francisco and Clear Channel Outdoor Inc. (Municipal Transportation Agency)

FINALLY PASSED by the following vote:

Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Chu, Maxwell, Peskin, Sandoval
Noes: 2 - Daly, Mirkarimi
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

From the City Operations and Neighborhood Services Committee Without Recommendation

071258 **[Urging the Golden Gate Bridge, Highway and Transportation District to Oppose the Golden Gate Bridge Partnership Program]**

Supervisors McGoldrick, Maxwell, Mirkarimi

Resolution urging the Golden Gate Bridge, Highway and Transportation District Board of Directors to Oppose the Golden Gate Bridge Partnership Program which would allow for the continued degradation of our public spaces by sanctioning, among other things, the placement of corporate logos on way-finding signage, posters, kiosks, and displays on Golden Gate Bridge property.

Continued to October 30, 2007

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendation of the Land Use and Economic Development Committee

Supervisor Daly Excused from Voting

Supervisor Maxwell, seconded by Supervisor Sandoval, moved to excuse Supervisor Daly, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Daly, Dufty, McGoldrick

071158 [Approving General Plan Amendments Related to Market & Octavia Area Plan]
Supervisor Mirkarimi

Ordinance amending the San Francisco General Plan by adding a new area plan entitled the Market & Octavia Area Plan, and approving General Plan amendments to implement the Market and Octavia Neighborhood Plan by amending the Commerce and Industry, Housing, Recreation and Open Space and Transportation Elements, the Civic Center Area Plan, Downtown Area Plan, South of Market Area Plan, and the Land Use Index; providing the ordinance shall not be effective until the effective date of an additional affordable housing program for the Market and Octavia area plan to be adopted by the Board of Supervisors; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

Supervisor Dufty was previously excused from voting on this matter.

FINALLY PASSED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Daly, Dufty, McGoldrick

Board of Supervisors Sitting as a Committee of the Whole

From the Rules Committee Without Recommendation

071051 **[Charter Amendment - Minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws]**
Supervisor Alioto-Pier

Charter Amendment (Third Draft) to add Section 15.104 to create minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws.

The President inquired as to whether any member of the public wished to address the Board members.
Silvia Johnson
The President declared the public hearing closed,

(First Vote)
Ayes: 7 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Peskin, Sandoval
Noes: 3 - Daly, Maxwell, Mirkarimi
Excused: 1- McGoldrick

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved to rescind the previous vote.
Motion to rescind passed without objection.

(Second Vote)
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Sandoval
Noes: 5 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin
Excused 1 - McGoldrick

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to rescind the previous vote:

Motion to rescind the previous vote failed by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Sandoval
Noes: 5 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin
Excused 1 - McGoldrick

NOT ORDERED SUBMITTED by the following vote:
Ayes: 5 - Alioto-Pier, Dufty, Elsbernd, Chu, Sandoval
Noes: 5 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin
Excused: 1 - McGoldrick

Recommendations of the Budget and Finance Committee

071326 **[Public Employment - Department of Public Health]**

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) reflecting the addition of 34.95 positions in the Department of Public Health pursuant to Ordinance 162-07 (Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union Local 790 Staff and Per Diem Nurses) and Ordinance 164-07 (Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees and Helpers Local 856 Supervising Registered Nurses Unit 11.B) using funding from the Salaries and Benefits Reserve as appropriated in Ordinance 174-07 (Consolidated Budget and Annual Appropriation Ordinance for Fiscal Year Ending June 30, 2008). (Human Resources Department)

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

071329 [Amending and Repealing Cash Revolving Funds and Cash Revolving Accounts]

Ordinance amending and repealing various sections of Article XV, Part I of the San Francisco Municipal Code (Administrative Code), which established cash revolving funds and cash revolving accounts for the City and County of San Francisco departments. (Controller)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

071339 [Grant of Federal Funds, Municipal Transportation Agency - $46,547,421]
Supervisor Peskin

Resolution authorizing the Municipal Transportation Agency to accept and expend $46,547,421 of Federal Transit Administration Section 5309 fixed guideway capital assistance for various Municipal Railway capital projects and activities, excluding citywide indirect costs.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

071340 [Grant of Federal Funds, Municipal Transportation Agency - $31,854,482]
Supervisor Peskin

Resolution authorizing the Municipal Transportation Agency to accept and expend $31,854,482 of Federal Transit Administration Section 5307 capital assistance for various Municipal Railway capital projects and activities, excluding citywide indirect costs.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

071342 [Grant of Federal Funds, Municipal Transportation Agency - $1,805,760]
Supervisor Maxwell

Resolution authorizing the Municipal Transportation Agency to accept and expend $1,805,760 of Federal Transit Administration Section 5309 Bus and Bus Facilities funding for design and construction of Muni's Islais Creek Facility and the purchase of Automatic Vehicle Locator (AVL) equipment.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the City Operations and Neighborhood Services Committee

070508 [Banning alcohol in children's play areas]
Supervisor Alioto-Pier

Ordinance amending Section 4.10 of the Park Code to ban consumption of alcohol in children's play areas.

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the City Operations and Neighborhood Services Committee. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

071089 [Warning on Cough and Cold Medicine for Infants and Young Children Ordinance]
Supervisors Alioto-Pier, Dufty

Ordinance amending the San Francisco Health Code by adding Article 36, Sections 3601 through 3609, to: (1) require businesses located in the City and County of San Francisco to post point-of-sale warnings on administering cough and cold medicine to infants and children younger than 2 years, and (2) provide penalties for violations.

(Supervisor McGoldrick dissented in Committee.)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Ordinance be RE-REFERRED to the City Operations and Neighborhood Services Committee. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the Land Use and Economic Development Committee

070851 [Polk Street Neighborhood Commercial District Zoning Controls]
Supervisor Peskin

Ordinance amending the San Francisco Planning Code by amending Section 121.2 to move Polk Street from a 3,000 square foot lot size limit to a 2,000 square foot lot size limit and by amending Section 723 to provide that commercial and institutional uses in the Polk Street Neighborhood Commercial District are permitted up to 1,999 square feet and allowed as a conditional use for 2,000 square feet and above; adopting findings, including Section 302 findings, environmental findings, and findings of consistency with Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

071376 [Initiate the Designation of 690 Market, the Chronicle Building, as a Landmark]
Supervisors Peskin, Mirkarimi

Resolution initiating the designation of 690 Market, the Chronicle Building, Lot 6 in Assessor's Block 311, as a landmark pursuant to Section 1004.1 of the Planning Code and urging expedited consideration of the building's landmark status and a Mills Act contract associated with the building's rehabilitation and restoration.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

**070738 [Planning - Inner Clement Street Neighborhood Commercial District - full-service restaurants and bars]
Supervisor McGoldrick**

Ordinance amending Planning Code Sections 716.1, 716.41, and 716.42 of the Inner Clement Street Neighborhood Commercial District to provide for a limited number of new full-service restaurants and new wine and beer bar uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Alioto-Pier, welcomed, introduced and presented a Certificate of Honor to Bruce Billingham.

Recess

The Board recessed at the hour of 3:39 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:07 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval - 10

Supervisor McGoldrick was previously excused from attendance.

SPECIAL ORDER 4:00 P.M.

071248 **[Public Hearing - Appeal of Final Mitigated Negative Declaration for 700 Valencia Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department adopted and issued on August 30, 2007, approving a Final Mitigated Negative Declaration (File Number 2005.0351E) for the proposed development at 700 Valencia Street. The proposal would demolish an existing vacant former used auto dealership and construct a five-story, 50 foot-tall mixed-use building of approximately 22,662 square feet containing nine dwelling units, nine parking spaces and one commercial unit. The project site is located at 700 Valencia Street, on the southwest corner of Valencia and 18th Streets in the Mission neighborhood (Assessor's Block 3588, Lot 001). (Appellant: Kim Malcheski on behalf of the Mission Anti-displacement Coalition.)

(Filed September 14, 2007; companion measure to File 071249, 071250, 071251; District 8.)

The President inquired as to whether any member of the public wished to address the members of the Board.

Ms. Ledbetter; Requested a continuance to December 11, 2007.
Robert Koeller, support of a continuance for the appellant
Alice Barkley, Attorney for project sponsor opposed to a continuance
John Conner; Project sponsor
Sean Keighran; support of the project sponsor
Silvia Johnson; support of the appellant
The President declared the public hearing closed.

HEARD AT PUBLIC HEARING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the final mitigated negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

071249 **[Affirming adoption of the Final Mitigated Declaration for the 700 Valencia Street Project]**

Motion affirming Planning Commission adoption of the Final Mitigated Negative Declaration for 700 Valencia Street.

Motion No. M07-138

Supervisor Dufty, seconded by Supervisor Sandoval, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Dufty, Elsbernd, Chu, Maxwell, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Daly, Mirkarimi
Excused: 1 - McGoldrick

071250 **[Reversing adoption of the Final Mitigated Negative Declaration for the 700 Valencia Street Project]**

Motion reversing the Planning Commission adoption of the Final Mitigated Negative Declaration for 700 Valencia Street.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Dufty, Elsbernd, Chu, Maxwell, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Daly, Mirkarimi
Excused: 1 - McGoldrick

071251 **[Preparation of findings to reverse adoption of the Final Mitigated Negative Declaration for 700 Valencia Street]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the Final Mitigated Negative Declaration for 700 Valencia Street.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Dufty, Elsbernd, Chu, Maxwell, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Daly, Mirkarimi
Excused: 1 - McGoldrick

SPECIAL ORDER 4:30 P.M.

071319 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 376 Eureka Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 2, 2007, Case No. 2005.0365E, exempting from environmental review under Categorical Exemption Class 1 [State CEQA Guidelines, Sections 15301(a) and (e)]. The project would expand an existing one-story-plus attic, 1,056-square-foot single-family dwelling and minor alterations to an accessory rear one-story-plus-attic, 300-square-foot cottage on an approximately 3,250-square-foot lot. The proposed expansion consists of a two-story, approximately 24-foot-high, 22-foot-deep addition to the rear of the dwelling, which would add approximately 1,020 square feet of habitable area. In addition, the project includes raising the dwelling by 2 feet and constructing an approximately 800-square-foot below-grade garage and basement area increasing the building height from 16-1/2 feet to 18-1/2 feet. The existing front set back of 11-1/2 feet would not change. In addition, the proposal would alter an accessory rear one-story-plus-attic, 300-square foot cottage by removing a kitchen. The project site (Assessor's Block 2749, Lot 017) is within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. (Appellant: F. Joseph Butler, AIA, on behalf of Susan Lally and Priscilla Botsford)

(Filed September 14, 2007; companion measure to 071320, 071321, 071322; District 8.)

The President inquired as to whether any member wished to address the members of the Board.
Continued to November 13, 2007

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

Continued to November 13, 2007

(Only one of the following two motions should be approved.)

071320 **[Affirming the Categorical Exemption issued for the 376 Eureka Street Project]**

Motion affirming the determination by the Planning Department that the 376 Eureka Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 13, 2007

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

071321 **[Disapproving the Categorical Exemption issued for the 376 Eureka Street Project]**

Motion disapproving the determination by the Planning Department that the 376 Eureka Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 13, 2007

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

071322 **[Preparation of findings related to the 376 Eureka Street Project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 376 Eureka Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 13, 2007

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

COMMITTEE REPORTS

071411 **[Settlement of Lawsuit - Robert Kellogg, Jr.]**

Ordinance authorizing settlement of the lawsuit filed by Robert Kellogg, Jr., against the City and County of San Francisco and Philip J. Welsh for $150,000; the lawsuit was filed on January 6, 2006 in San Francisco Superior, Case No. 446-493; entitled Robert Kellogg, Jr. v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Female speaker; expressed concern with issues relating to the Mayor's investments in local enterprises
Katie Mulligan, Assessor/Recorder Office; expressed concern with issues relating to the mortgage foreclusures and provided an update from the Assessor/Recorders Office relating to this matter
Male speaker; expressed concern with issues related to the Recreation and Park General Manager
Abdula Megahed; expressed concern with issues relating to the homeless
Eugene Gordon, Jr.; expressed concern with issues relating to the violation of human rights
Female speaker; expressed concern with issues relating to traffic and parking problems
Richard McCary; expressed concern with issues relating to the planning designs of buildings in San Francisco
Male speaker; expressed concern with issues relating to the homelessness of Abdula Megahed and the tragedy of the fires in Southern California
Douglas Yep; welcomed Supervisor Chu and expressed concern with issues relating to St. Luke's Hospital and SF General Hospital
Silvia Johnson; expressed concern with issues relating to general issues
Jim Adams; expressed concern with issues relating to discrimination existing in the USA
Female speaker; expressed concern with issues relating to homeless individuals
Richard Robinson; expressed concern with issues relating to homeless individuals
Laura; expressed concern with issues relating to Michael Savage
Male speaker; expressed concern with issues relating to Burma injustices
Male speaker; expressed concern with issues relating to rent and evictions

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

071440 **[Urging Wooden Windows and the Carpenters Union Local 2236 work together to find resolution to labor disputes]**

Supervisors Ammiano, Dufty

Resolution urging Wooden Windows and the Carpenters Union Local 2236 to work together to find resolution to labor disputes and acknowledging recent events surrounding such disputes.

ADOPTED

071442 **[Urging the adoption of October 27, 2007 as "End The War in Iraq" Day in San Francisco]**
Supervisors Ammiano, Mirkarimi

Resolution urging the Board of Supervisors to designate October 27, 2007 as "End The War in Iraq" Day in San Francisco and to endorse the march and rally that are scheduled to commence on October 27, 2007.

Supervisor Mirkarimi requested to be added as a co-sponosr.
ADOPTED

071443 **[Urging the Mayor and Board of Supervisors provide city funding for the first annual Central American "Festival de los Volcanes"]**
Supervisor Ammiano

Resolution urging the Mayor and Board of Supervisors to recognize November 4th, 2007 Central American Peoples Day, and to acknowledge Central American Resource Center's (CARECEN) contributions in organizing first annual Central American Community "Festival de los Volcanes" which celebrates the historical presence and contributions of Central Americans to San Francisco.

ADOPTED

071445 **[Commending Respiratory Care Workers for their Contributions to the Medical Community and Recognizing Respiratory Care Week 2007]**
Supervisor Dufty

Resolution commending Respiratory Care Workers for their Contributions to the Medical Community and Recognizing Respiratory Care Week 2007.

ADOPTED

071447 **[Commending Warren Hellman and the Hardly Strictly Bluegrass Festival]**
Supervisors Peskin, Dufty, Mirkarimi, Elsbernd

Resolution commending Warren Hellman for his hard work and generosity in presenting the Hardly Strictly Bluegrass music festival in San Francisco for the last six years.

Supervisors Mirkarimi and Elsbernd requested to be added as co-sponsor.
ADOPTED

071448 **[Commending Vice President Al Gore for winning the Nobel Peace Prize for his efforts to combat global warming]**
Supervisors Alioto-Pier, McGoldrick

Resolution commending Vice President Al Gore for winning the Nobel Peace Prize for his efforts to combat global warming.

ADOPTED

071453 **[Final Map 4341 - 725 Pine Street]**

Motion approving Final Map 4341, a 22 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 725 Pine Street being a subdivision of Lot 001C in Assessors Block No. 0272 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,168, District 3.)

Motion No. M07-137

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Severed from Without Reference to Committee Agenda

Supervisor Ammiano requested that this matter be severed so that it might be considered separately.

071441 **[Urging banks to work with the City to address the affects of subprime lending and calling on the Federal Reserve to take action at the national level to end predatory loan practices]**

Supervisor Ammiano

Resolution urging banks to work with the City to address foreclosures and subprime loan practices; calling on the Federal Reserve to prohibit loans at unaffordable rates, end the misuses of stated loans, eliminate prepayment penalties, and designate failure to escrow taxes and insurance in subprime loans as a deceptive practice.

Supervisor Ammiano requested that this matter be referred to Committee.

(Requested to be heard with Files Nos. 071419, 071441, 071446, and 071451.
File No. 071419 is currently pending in the Land Use and Economic Development Committee.)

REFERRED to the Land Use and Economic Development Committee.

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

071444 **[Urging neighboring nations and major investors to defend peaceful pro-democracy demonstrators in Burma]**

Supervisors Ammiano, Mirkarimi, Daly

Resolution Urging the Governments of China, India, Thailand, Korea, Japan, and of the United States, as well as the Chevron and Daewoo Corporations to Take Action in Defense of Peaceful Pro-Democracy Demonstrators in Burma.

Amended on page 3, line 16, after "to" by inserting "San Francisco's Congressional delegation with requests to forward the resolution to the governments"

Supervisors Mirkarimi and Daly requested to be added as co-sponsors.

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

071446 **[Urging the Mayor's Office of Housing to develop a homeownership preservation plan]**
Supervisor Sandoval

Resolution urging the Mayor's Office of Housing to create an emergency fund to prevent foreclosures and preserve home ownership.

Supervisor Elsbernd requested that this matter be referred to Committee.

(Requested to be heard with Files Nos. 071419, 071441, 071446, and 071451.
File No. 071419 is currently pending in the Land Use and Economic Development Committee.)

REFERRED to the Land Use and Economic Development Committee.

Supervisor Daly requested that this matter be severed so that it might be considered separately.

071449 **[Acceptance of the gift related to the improvement of a portion of the Lyon Street Stairs]**
Supervisor Alioto-Pier

Resolution acknowledging and accepting Richard C. Blum's gift to refurbish a portion of the Lyon Street Stairs and dedicating these improvements to public use.

Supervisor Daly requested that this matter be referred to Committee.

REFERRED to the Land Use and Economic Development Committee.

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

071450 **[Urging the Attorney General to clarify how Penal Code 3003 and the transient provision in Penal Code Section 290 apply to Jessica's Law (Proposition 83)]**
Supervisor McGoldrick

Resolution condemning the current policy of the California Department of Corrections and Rehabilitation of advising parolees who are unable to secure housing compliant with Proposition 83 ("Jessica's Law") to declare transience in order to avoid incarceration.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Resolution urging the Attorney General to clarify how Penal Code 3003 and the transient provision of Penal Code 290 apply to Jessica's Law (Proposition 83).

Continued as amended to October 30, 2007.

CONTINUED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Daly requested that this matter be severed so that it might be considered separately.

071451 **[Authorization for City to enter into Memorandum of Understanding with other Bay Area cities and counties to govern expenditure of federal homeland security funds]**
Supervisor Alioto-Pier

Resolution authorizing City and County officials to enter into a Memorandum of Understanding that (1) establishes procedures for application, allocation and distribution of federal Urban Areas Security Initiative Program grant funds for fiscal year 2007 and future fiscal years, (2) continues an Urban Area Working Group with other Bay Area governmental entities, and (3) continues San Francisco as the primary grantee and fiscal agent for Urban Areas Security Initiative Program grant funds; further authorizing designated City and County officials to negotiate, execute and file on behalf of the City and County of San Francisco any and all agreements and documents and to take any other action necessary to apply for and receive grant funds under the federal Urban Areas Security Initiatives Program.

Supervisor Daly requested that this matter be referred to Committee.

(Requested to be heard with Files Nos. 071419, 071441, 071446, and 071451.
File No. 071419 is currently pending in the Land Use and Economic Development Committee.)
REFERRED to the Land Use and Economic Development Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

071463 [Celebrating the 150th anniversary of the founding of the Slavonic Mutual and Benevolent Society]
Supervisor Sandoval

Resolution commending the Croatian American Cultural Center, Home of the Slavonic Mutual and Benevolent Society, on the occasion of its sesquicentennial anniversary.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor Ordinances Resolutions Requests for Hearing Motions Introduced by the President at the Request of Departments

Introduced by Supervisors or Mayor

Ordinances

071464 [Zoning - Ordinance creating the Excelsior Alcohol Restricted Use District and the North Beach Alcohol Restricted Use District]
Supervisors Sandoval, Peskin

Ordinance amending the San Francisco Planning Code by adding Section 785 to create an Excelsior Alcohol Restricted Use District prohibiting new off-sale liquor establishments and providing for a five-year sunset provision; adding Section 786 to create a North Beach Alcohol Restricted Use District prohibiting new off-sale liquor establishments and providing for a five-year sunset provision; amending Sectional Maps SU 11 and SU 12 of the Zoning Map of the City and County of San Francisco to establish the boundaries of the Excelsior Alcohol Restricted Use District, which generally consist of the blocks fronting both sides of Mission Street from Silver Avenue to the Daly City border; amending Section Map SU 01 to establish the boundaries of the North Beach Alcohol Restricted Use District, which consists of the properties within the North Beach Neighborhood Commercial District; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

10/23/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

071467 [Public Employment]
Supervisors Peskin, Maxwell, Sandoval

Draft Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) to reflect the deletion of all positions, except class 0962 - Department Head II, at the Department of the Environment.

10/23/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071469 [Accept-Expend Federal Grant - Sheriff's Department]
Supervisor Alioto-Pier

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance 2007-2008) to reflect the addition of a .50 FTE 8420 Program Rehabilitation Services Coordinator in the Sheriff's Department, and a .50 FTE 2586 Health Worker II and .50 FTE 2803 Epidemiologist in the Department of Public Health, and authorizing the Sheriff's Department to accept and expend a 12-month grant in the amount of $391,556 from the U.S. Department of Health and Human Services for the Women's Integrated Skills (WISH) Project.

10/23/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

071058 [Support for development of City-controlled electric generation project]
Supervisors Maxwell, Dufty, Ammiano, Peskin

Resolution supporting the Combustion Turbine project proposed by the Public Utilities Commission for the development of a City-controlled combustion turbine project to promote the goals of the City's Electricity Resource Plan, and endorsing the financial term sheet for the CT project.

7/17/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

7/24/07, REFERRED to Land Use and Economic Development Committee. Supervisor Daly requested that this matter be referred to Committee.
Supervisors Dufty and Ammiano requested to be added as co-sponsors.

10/23/07, SUBSTITUTED. Supervisor Maxwell submitted a substitute resolution bearing new title.

10/23/07, ASSIGNED to Land Use and Economic Development Committee.

071463 [Celebrating the 150th anniversary of the founding of the Slavonic Mutual and Benevolent Society]
Supervisor Sandoval

Resolution commending the Croatian American Cultural Center, Home of the Slavonic Mutual and Benevolent Society, on the occasion of its sesquicentennial anniversary.

10/23/07, ADOPTED.

071465 [Directing the controller transfer funds that were previously budgeted for the Office of the Legislative Analyst to the Budget Analyst]
Supervisors Sandoval, Mirkarimi, Peskin

Resolution directing the controller to transfer funds that were previously budgeted for the Office of the Legislative Analyst to the Budget Analyst for actuary services.

10/23/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071466 [Funding Agreement for 2007 Spare the Air Campaign]
Supervisor Ammiano

Resolution approving the Funding Agreement between the Metropolitan Transportation Commission and the City and County of San Francisco for the 2007 Spare the Air/Free Transit campaign.

10/23/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071468 [Confirmation - San Francisco Redevelopment Agency]
Mayor

Resolution confirming the appointment of Richard Swig by the Mayor to the San Francisco Redevelopment Agency.
10/23/07, RECEIVED AND ASSIGNED to Rules Committee.

071470 [State grants to fund food and agricultural projects]
Supervisor Maxwell

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend three grants totaling $2,877.43, from the California Department of Food and Agriculture (CDFA); for the period of July 1, 2007 through June 30, 2008.
10/23/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

071472 [Declaring November 14, 2007 as World Diabetes Day in the City and County of San Francisco]
Supervisors Dufty, Peskin

Resolution declaring November 14, 2007 as World Diabetes Day in the City and County of San Francisco.
10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

071473 [Accept and expend gift in the amount of $50,000]
Supervisor Chu

Resolution retroactively accepting and expending a gift in the amount of $50,000 from the San Francisco Parks Trust.
10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

071474 [Accept and expend gift in the amount of $25,000]
Supervisor Chu

Resolution accepting and expending an estate bequest gift of $25,000 from the estate of Dr. Dorothee Haken to the Recreation and Park Department for the San Francisco Botanical Garden.
10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

071475 [Landmark designation nomination for tree located in Bernal Heights Natural Area]
Supervisor Ammiano

Resolution of intent initiating the nomination of the Blue Elderberry Tree (Sambucus mexicana) located at Folsom Street and Bernal Heights Boulevard in Bernal Heights Natural Area (Assessor's Block 5548, Lot 002) for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging temporary designation pursuant to Public Works Section 810(d), and authorizing other official acts in furtherance of the Resolution.
10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

071476 [Landmark designation nomination for tree located at 3555 Cesar Chavez Street]
Supervisor Ammiano

Resolution of intent initiating the nomination of the Moreton Bay Fig tree (Ficus macrophylla) located at 3555 Cesar Chavez Street (Assessor's Block 6575, Lot 002) for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging temporary designation pursuant to Public Works Section 810(d), and authorizing other official acts in furtherance of the Resolution.

10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

071477 [Landmark designation nomination for two trees located at 500 Cortland Street in front of Bernal Heights Library]
Supervisor Ammiano

Resolution of intent initiating the nomination of two Flowering Ash trees (Fraxinus ornus) located at 500 Cortland Street, in front of Bernal Heights Library (Assessor's Bock 5707, Lot 027) for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging temporary designation pursuant to Public Works Section 810(d), and authorizing other official acts in furtherance of the Resolution.

10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

071478 [Catholic Charities CYO]
Supervisor Peskin

Resolution commending Catholic Charities CYO for 400 Years of Service.

10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

071479 [Urging Speaker Nancy Pelosi to continue to support and immediately schedule a vote on HR 106, which reaffirms the proper recognition of the Armenian genocide]
Supervisors Peskin, Dufty, Daly, Maxwell, Elsbernd, Mirkarimi, Ammiano, Sandoval, McGoldrick, Chu

Resolution urging Speaker Nancy Pelosi to continue to support and immediately schedule a vote on House Resolution 106, which reaffirms the U.S. record of the Armenian Genocide.

10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Charter Amendment

071471 [Charter Amendment - Minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws]
Supervisor Alioto-Pier

Charter Amendment (First Draft) to add Section 15.104 to create minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws.

10/23/07, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/26/2007.

PROPOSED ORDINANCES

071417 **[Settlement of Lawsuit - CCSF v. Michael Levine and What Do We Do? Inc.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Michael Levine and What Do We Do? Inc. for $30,000; the lawsuit was filed on May 26, 2006 in San Francisco Superior Court, Case No. 452-470; entitled City and County of San Francisco, et al., v. Michael Levine, et al.; other material terms of said settlement are that Judgment is to be entered against Michael Levine personally in the amount of $30,000, that payment of $15,000 is to be made at the time of finalization of the settlement of this matter, that the remaining payment of $15,000 is to be in monthly installments over a period of 18 months, and if any payment is late, the entire amount is immediately due, payable and collectible. (City Attorney)

10/12/07, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

071418 **[Approval of the Ryan White HIV/AIDS Treatment Modernization Act grant application]**

Resolution authorizing the San Francisco Department of Public Health (DPH) to submit an application by the deadline of November 5, 2007, to the Health Resources Services Administration (HRSA) to continue to receive funding for the Ryan White HIV/AIDS Treatment Modernization Act Grant (Ryan White Programs, Part A); for the next grant year, March 1, 2008 through February 28, 2009, with an expected amount of approximately $36,118,233 in funding for the San Francisco Eligible Metropolitan Area (EMA). (Public Health Department)

10/12/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

PROPOSED MOTIONS

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:32 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, October 30, 2007 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

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AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

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First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll all members were noted present.

APPROVAL OF MEETING MINUTES

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved to approve Board Meeting Minutes for October 2, 2007. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

071326 **[Public Employment - Department of Public Health]**

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) reflecting the addition of 34.95 positions in the Department of Public Health pursuant to Ordinance 162-07 (Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union Local 790 Staff and Per Diem Nurses) and Ordinance 164-07 (Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees and Helpers Local 856 Supervising Registered Nurses Unit 11.B) using funding from the Salaries and Benefits Reserve as appropriated in Ordinance 174-07 (Consolidated Budget and Annual Appropriation Ordinance for Fiscal Year Ending June 30, 2008). (Human Resources Department)

(Fiscal Impact.)

FINALLY PASSED

071329 **[Amending and Repealing Cash Revolving Funds and Cash Revolving Accounts]**

Ordinance amending and repealing various sections of Article XV, Part I of the San Francisco Municipal Code (Administrative Code), which established cash revolving funds and cash revolving accounts for the City and County of San Francisco departments. (Controller)

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

070851 **[Polk Street Neighborhood Commercial District Zoning Controls]**
Supervisor Peskin

Ordinance amending the San Francisco Planning Code by amending Section 121.2 to move Polk Street from a 3,000 square foot lot size limit to a 2,000 square foot lot size limit and by amending Section 723 to provide that commercial and institutional uses in the Polk Street Neighborhood Commercial District are permitted up to 1,999 square feet and allowed as a conditional use for 2,000 square feet and above; adopting findings, including Section 302 findings, environmental findings, and findings of consistency with Section 101.1 and the General Plan.

FINALLY PASSED

070738 **[Planning - Inner Clement Street Neighborhood Commercial District - full-service restaurants and bars]**
Supervisor McGoldrick

Ordinance amending Planning Code Sections 716.1, 716.41, and 716.42 of the Inner Clement Street Neighborhood Commercial District to provide for a limited number of new full-service restaurants and new wine and beer bar uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

071234 **[STOP Intersections]**
Resolution designating certain intersections as "STOP" intersections.
STOP SIGNS – ESTABLISH
25th Street and Minnesota Street, stopping Minnesota Street, making this uncontrolled intersection a two-way STOP;
Hampshire at 17th Street, stopping Hampshire Street, the stem of this T-intersection;
Cesar Chavez Street at Castro Street, stopping Cesar Chavez Street, making this uncontrolled intersection a two-way STOP;
Edna Street at Joost Avenue, stopping Edna Street, the stem of this T-intersection;
Ankeny Street and Ordway Way, stopping Ankeny Street, making this intersection an All-Way STOP; and,
Hudson Avenue at Cashmere Street, stopping Hudson Avenue, making this intersection an All-Way STOP.
(Parking and Traffic Department)

(8/8/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3399.)

ADOPTED

071235 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.
NO LEFT TURN, 4 PM TO 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Masonic Avenue, northbound and southbound, at Turk Street (extending turn restriction time from 6 PM to 7 PM).
NO LEFT TURN - ESTABLISH
13th Street at Harrison Street, eastbound (Parking and Traffic Department)

(8/8/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3399.)

ADOPTED

071324 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.
NO LEFT TURN, 7 AM TO 7 PM, EVERYDAY EXCEPT BUSES AND TAXIS - ESTABLISH
5th Street, southbound, at Mission Street.

(9/7/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3407.)

ADOPTED

071236 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.
2-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY – ESTABLISH
10th Street, west side, between Bryant Street and Division Street.
PARKING METER AREA NO. 2 (1-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY) - RESCIND
PARKING METER AREA NO. 2 (2-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
11th Street, both sides, between Market and Mission Streets.
PARKING METERS (AREA 3, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Clay Street, south side, from 106 feet west of Webster Street to 73 feet east of Fillmore Street.
ANGLE (45-DEGREE) PARKING - RESCIND
20th Avenue, east side, from Ortega Street to 144 feet southerly.
RESIDENTIAL PERMIT PARKING AREA "Y" (2-HOUR TIME LIMIT, 8 AM TO 10 PM, EVERYDAY) - ESTABLISH
Colin P. Kelly Jr. Street, east side, between Brannan Street and Townsend Street,
adding 2 Townsend Street to Residential Permit Parking Area Y.
2 HOUR SIGNED PARKING TIME LIMIT – RESCIND
PARKING METERS (AREA 1, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Brannan and Townsend Streets, between 2nd Street and Colin P. Kelly Jr. Street.
NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Leavenworth Street, west side, between Lombard Street and Greenwich Street;
Lombard Street, south side, between Leavenworth and Jones Streets.
PARKING METER AREA NO. 2 (1-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Stevenson Street, north side, from 7th Street to western terminus.
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
7th Street, west side, from Stevenson Street to 62 feet southerly;
7th Street, west side, from 128 feet south of Stevenson to Mission Street (248-foot zone);
Mission Street, north side, from 308 feet west of 7th Street to 38 feet westerly.
PASSENGER LOADING ZONE, 6 AM TO 7 PM, MONDAY THROUGH FRIDAY, TOW-AWAY NO STOPPING ALL OTHER TIMES -- ESTABLISH
7th Street, west side, from 62 feet south of Stevenson to 128 feet southerly (66-foot zone).
YELLOW LOADING ZONE, 7 AM TO 4 PM, MONDAY THROUGH SATURDAY, TOW AWAY NO STOPPING ALL OTHER TIMES -- ESTABLISH
Mission Street, north side, from 111 feet west of 7th Street to 197 feet westerly (4 meters). (Parking and Traffic Department)

(8/8/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3399.)

ADOPTED

071289 **[STOP Intersections]**
Supervisor Alioto-Pier

Resolution designating certain intersections as "STOP" intersections.
STOP SIGNS - ESTABLISH
Alhambra Street and Mallorca Way, stopping Alhambra Street, making this intersection an all-way STOP.

ADOPTED

071323 **[STOP Intersections]**
Resolution designating certain intersections as "STOP" intersections.
STOP SIGNS – ESTABLISH
20th Avenue and Moraga Street, stopping 20th Avenue, making this intersection an All-Way STOP;
Pacheco Street at 41st Avenue, stopping the stem of this currently uncontrolled T-intersection;
Both ends of Dormitory Road at Northridge Road/Jerrold Avenue and at Kiska Road/Kirkwood Avenue, stopping the stem of these currently uncontrolled T-intersections. (Parking and Traffic Department)

(9/7/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3407.)

ADOPTED

071325 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.
RESIDENTIAL PERMIT PARKING AREA "X" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
1550 - 1562 22nd Street (includes these addresses to be eligible for Area "X" permits, but no signs will be posted on the street).
RESIDENTIAL PERMIT PARKING AREA "R" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Ivy Street, both sides, between Buchanan and Webster Streets (signs will only be posted on the north side because of NPAT on the south side), and;
Webster Street, east side, between Ivy and Grove Streets.
TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
Laurel Street, east side, between California Street and Mayfair Drive.
NO PARKING ANYTIME - RESCIND
Linden Street, north side, from 82 feet to 101 feet west of Gough Street.
COMPACT VEHICLES ONLY - ESTABLISH
Linden Street, north side, from 82 feet to 101 feet west of Gough Street.
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Linden Street, south side, from 40 feet to 136 feet west of Gough Street.
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Geary Boulevard, south side, Masonic Avenue frontage road to 70 feet westerly (removes parking meter #2703).
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Page Street, south side, from Laguna Street to 20 feet easterly; and,
Laguna Street, east side, from Page Street to 21 feet southerly.
2-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - RESCIND
Gough Street, east side, from Geary Boulevard to Ellis Street.
1-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY - RESCIND
Gough Street, west side, from Eddy Street to Golden Gate Avenue.
TOW-AWAY, NO PARKING, 1 AM TO 6 AM, DAILY - ESTABLISH
Clementina Street, south side, from Gallagher Lane to 5th Street,
TOW-AWAY, NO PARKING, MIDNIGHT TO 6 AM, DAILY ESTABLISH
Gallagher Lane, west side, from 20 feet north of Clementina Street to Tehama Street; and,
Gallagher Lane, east side, from Clementina Street to 20 feet south of Tehama Street.
4-HOUR PARKING TIME LIMIT, 7 AM - 6 PM, EXCEPT SATURDAY AND SUNDAY - ESTABLISH
San Bruno Avenue, east side, between 15th and Alameda Streets; and,
15th Street, both sides, between San Bruno and Vermont Streets. (Parking and Traffic Department)

(9/7/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3407.)

ADOPTED

Recommendation of the Public Safety Committee

071374 **[Accept-Expend Federal Grant - Mayor's Office of Criminal Justice (MOCJ)]**
Supervisor Maxwell

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend a grant in the amount of $200,000 from the Department of Justice (DOJ), Office of Justice Programs (OJP), FY2007 Weed and Seed Program for the purpose of supporting activities to prevent, control and reduce violent crime, drug abuse, and gang activity in the designated Weed and Seed area in the Visitacion Valley neighborhood.

ADOPTED

Recommendations of the Rules Committee

071411 **[Settlement of Lawsuit - Robert Kellogg, Jr.]**
Ordinance authorizing settlement of the lawsuit filed by Robert Kellogg, Jr., against the City and County of San Francisco and Philip J. Welsh for $150,000; the lawsuit was filed on January 6, 2006 in San Francisco Superior, Case No. 446-493; entitled Robert Kellogg, Jr. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

071412 **[Settlement of Lawsuit - Mitchell Engineering/J. Fletcher Creamer & Son, Inc.]**
Ordinance authorizing settlement of the lawsuit filed by Mitchell Engineering/J. Fletcher Creamer & Son, Inc. against the City and County of San Francisco for $775,000; the lawsuit was filed on July 6, 2005 in San Joaquin County Superior Court, Case No. CV 026863; entitled Mitchell Engineering/J/ Fletcher Creamer & Son, Inc., et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

071384 **[Settlement of Unlitigated Claim - PG&E]**
Resolution approving the settlement of the unlitigated claim filed by Pacific Gas & Electric against San Francisco for $238,594; claim was filed on June 19, 2007. (City Attorney)

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget & Finance Committee Without Recommendation

070961 [Recreation and Park Commission--Authorization to Modify Golf Course Hours and Fees; Creation of Golf Course Task Force]
Supervisor McGoldrick

Ordinance adding Section 12.46 to Article 12 of the San Francisco Park Code to authorize the Recreation and Park Commission to modify golf course hours and fees; and to create a Golf Course Task Force that will evaluate measures to reduce General Fund support for operation and maintenance of golf courses, and explore alternative revenue sources.

(Supervisor Dufty dissented in committee.)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the City Operations and Neighborhood Services Committee Without Recommendation

071258 [Urging the Golden Gate Bridge, Highway and Transportation District to Oppose the Golden Gate Bridge Partnership Program]
Supervisors McGoldrick, Maxwell, Mirkarimi

Resolution urging the Golden Gate Bridge, Highway and Transportation District Board of Directors to Oppose the Golden Gate Bridge Partnership Program which would allow for the continued degradation of our public spaces by sanctioning, among other things, the placement of corporate logos on way-finding signage, posters, kiosks, and displays on Golden Gate Bridge property.

Supervisor McGoldrick, seconded by Supervisor Sandoval, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

071385 [Authorizing the Department of Telecommunications and Information Services to amend an agreement with CA, Inc. to extend the term of the agreement from ten years to twelve years and five months with an additional option period for two one year periods]

Resolution authorizing the Department of Telecommunications and Information Services ("DTIS") to retroactively enter into the Second Amendment of an agreement between the City and County of San Francisco ("City") and CA, Inc. ("CA") to extend term of the agreement to twelve years and five months with an additional option period for two additional one-year periods. (Telecommunications and Information Services)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071395 [Multifamily Housing Revenue Bonds - Bishop Swing Community House]
Supervisor Daly

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed $18,942,066 for the purpose of providing financing for a multifamily rental housing project to be known as Bishop Swing Community House; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a construction loan agreement; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to City officials to take actions necessary to implement this resolution; and related matters.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071401 [Support Goals for Federal Funding-Community Development Block Grant]
Supervisor Maxwell

Resolution supporting Fiscal Year 2008-2009 Community Development Block Grant (CDBG) Action Plan Goals.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071402 [Expend Federal Funding - Community Development Block Grant]
Supervisor Maxwell

Resolution approving the expenditure of $137,728 of Community Development Block Grant funding.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071435 [Authorizing the Director of Public Works or his or her designee to request Cooperative Work Agreements from the California Department of Finance to extend the expiration dates for Federal and State transportation grants expiring on June 30, 2008]
Supervisor Peskin

Resolution authorizing the Director of Public Works or his or her designee to request Cooperative Work Agreements from the California Department of Finance to extend the expiration dates for Federal and State transportation grants expiring on June 30, 2008.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

071257 **[San Francisco Fire Code]**

Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2007 San Francisco Fire Code consisting of the 2007 California Fire Code and portions of the 2006 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. (Fire Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071274 **[San Francisco Building Code]**

Ordinance repealing the San Francisco Building Code in its entirety and replacing that code with a new 2007 San Francisco Building Code consisting of the 2007 California Building Code, which is based upon the 2006 International Building Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071275 **[San Francisco Electrical Code]**

Ordinance repealing the San Francisco Electrical Code in its entirety and replacing that code with a new 2007 San Francisco Electrical Code consisting of the 2007 California Electrical Code, which is based upon the 2005 National Electrical Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071276 **[San Francisco Housing Code]**

Ordinance repealing the San Francisco Housing Code in its entirety and replacing that code with a new 2007 San Francisco Housing Code to conform to the new numbering system of the 2007 California Building Code and to re-enact San Francisco's local amendments to the State Housing Code with minor changes; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071277 **[San Francisco Mechanical Code]**

Ordinance repealing the San Francisco Mechanical Code in its entirety and replacing that code with a new 2007 San Francisco Mechanical Code consisting of the 2007 California Mechanical Code, which is based upon the 2006 Uniform Mechanical Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071278 **[San Francisco Plumbing Code]**

Ordinance repealing the San Francisco Plumbing Code in its entirety and replacing that code with a new 2007 San Francisco Plumbing Code consisting of the 2007 California Plumbing Code, which is based upon the 2006 Uniform Plumbing Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071015 **[Rescind One Hour Meters and Establish Two Hour Meters on 1900 Polk Street]**
Supervisor Peskin

Resolution rescinding one hour meters and establishing two hour meters on the 1900 Block of Polk Street.
PARKING METER AREA 3, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY, 1-HOUR PARKING - RESCIND
PARKING METER AREA 3, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY, 2-HOUR PARKING - ESTABLISH

1900 block of Polk Street, both sides, between Jackson and Pacific Streets.

(No Economic Impact)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071409 **[Street Artist Winter Holiday Spaces]**
Supervisor Dufty

Resolution approving temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2007, beginning on November 15, 2007 and ending on January 15, 2008. (Arts Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

070410 [San Francisco Bonding Program]
Supervisor Mirkarimi

Ordinance adding Article VIII to Article 20 of the San Francisco Administrative Code to create the San Francisco Bonding Program and to authorize the City to purchase bonds for employers who agree to hire hard-to-place employees.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Ordinance amending Chapter 30 of the San Francisco Administrative Code to add Article II thereto to create the San Francisco Bonding Program and to authorize the City to purchase bonds for employers who agree to hire hard-to-place employees.

Continued as amended to November 13, 2007

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Rules Committee Without Recommendation

070946 [Amending the Rules of Order Governing the Board of Supervisors]
Supervisors Alioto-Pier, Dufty

Motion to amend the Rules of Order Governing the Board of Supervisors.

(No Economic Impact)

NOT APPROVED by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Sandoval
Noes: 6 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 3:30 P.M.

070967 **[Public Hearing - Appeal of Minor Sidewalk Encroachment for 1166 Haight Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated June 13, 2007, approving a request of Minor Sidewalk Encroachment Permit to construct a warped driveway ramp and two (2) planter boxes to encroach 3'-0" into the public sidewalk right-of-way (25% of the sidewalk width as allowed by Article 15, Section 723.2 of the Public Works Code) fronting the property at 1166 Haight Street to provide access to a proposed garage below grade. (Appellant: Raquel Fox.)

(Filed June 28, 2007; companion measure to Files 070968, 070969; District 5.)

The President inquired as to whether any member of the public wished to address the Board members.
Continued to January 15, 2008

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the minor sidewalk encroachment permit appeal described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070968 **[Minor Sidewalk Encroachment Permit Appeal]**

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the Encroachment Permit.

Continued to January 15, 2008

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070969 **[Minor Sidewalk Encroachment Permit Appeal]**

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the appeal.

Continued to January 15, 2008

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

070910 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

The President inquired as to whether any member of the public wished to address the Board members.
Continued to November 13, 2007

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070911 **[Affirming the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 13, 2007

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070912 **[Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 13, 2007

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070913 **[Preparation of findings related to the 3424 Jackson Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 13, 2007

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

071439 **[Confirmation of Director of Office of Citizen Complaints]**

Mayor

Motion confirming appointment of Joyce Hicks as Director of the Office of Citizen Complaints.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071424 **[Accept-expend State Grant Funds available under the California Cultural and Historical Endowment to fund the Palace of Fine Arts Rotunda Restoration Project]**

Supervisor Alioto-Pier

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the amount of $1,451,250 for the restoration of the Palace of Fine Arts Rotunda , under Proposition 40 California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 administered by the California State Library, California Cultural and Historical Endowment.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070617 **[Zoning - modifying the definition of liquor store to remove prohibitions on grocery stores and similar uses]**

Supervisor Alioto-Pier

Ordinance amending Planning Code Sections 790.55, 790.102, 249.5, 781.8, 781.9, 782, 783, and 784 to remove grocery stores and other similar uses from prohibitions placed on the establishment of liquor stores in certain districts; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Supervisor McGoldrick was noted absent at 2:24 p.m.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Absent: 1 - McGoldrick

071058 [Support for development of City-controlled electric generation project]
Supervisors Maxwell, Dufty, Ammiano, Peskin

Resolution supporting the Combustion Turbine projects proposed by the Public Utilities Commission for the development of a City-controlled combustion turbine project to promote the goals of the City's Electricity Resource Plan, and endorsing the description of the transaction for the projects.

Supervisor McGoldrick was noted present at 2:31p.m.
Supervisor Alioto-Pier, seconded by Supervisor Sandoval, moved to continue this matter to November 6, 2007.
Motion to continue this matter failed by the following vote:
Ayes: 5 - Alioto-Pier, Ammiano, Daly, McGoldrick, Sandoval
Noes: 6- Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Daly, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdulah Megahed; expressed appreciation to the SF Fire Department and concern with issues relating to the homeless
James Chaffee; expressed concern with issues relating to the SF Public Library
Male speaker; expressed concern with issues relating to the public officials and with the management of the Recreation and Park Department
Silvia Johnson; expressed concern with general issues
Eugene Gordon Jr.; expressed concern with issue relating to the violation of human rights
H. Bagdarsarian; urged support of House Resolution 106 for the recognition of the Armenian Genocide
Richard Robinson; expressed concern with issues relating to housing
Male speaker; expressed concern with issues relating with the Ethics Commission
Richard Macrea; expressed concern with planning designs of buildings in San Francisco and embodied energy and growth in SF
Jose Morales; expressed concern with issues relating to the Ellis-Act and evictions and issues relating to children, seniors and low income individuals
Male speaker; expressed concern with issues relating a City Planning decision
Female speaker; expressed concern with issues relating a City Planning decision

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

071450 **[Urging the Attorney General to clarify how Penal Code 3003 and the transient provision in Penal Code Section 290 apply to Jessica's Law (Proposition 83)]**
Supervisors McGoldrick, Alioto-Pier, Chu

Resolution urging the Attorney General to clarify how Penal Code 3003 and the transient provision of Penal Code 290 apply to Jessica's Law (Proposition 83).

Supervisors Alioto-Pier and Chu requested to be added as co-sponsors.
ADOPTED

071472 **[Declaring November 14, 2007 as World Diabetes Day in the City and County of San Francisco]**
Supervisors Dufty, Peskin, Elsbernd

Resolution declaring November 14, 2007 as World Diabetes Day in the City and County of San Francisco.

Supervisor Elsbernd requested to be added as a co-sponsor.
ADOPTED

071473 **[Accept and expend gift in the amount of $50,000]**
Supervisor Chu

Resolution retroactively accepting and expending a gift in the amount of $50,000 from the San Francisco Parks Trust.

ADOPTED

071474 **[Accept and expend gift in the amount of $25,000]**
Supervisor Chu

Resolution accepting and expending an estate bequest gift of $25,000 from the estate of Dr. Dorothee Haken to the Recreation and Park Department for the San Francisco Botanical Garden.

ADOPTED

071475 **[Landmark designation nomination for tree located in Bernal Heights Natural Area]**
Supervisor Ammiano

Resolution of intent initiating the nomination of the Blue Elderberry Tree (Sambucus mexicana) located at Folsom Street and Bernal Heights Boulevard in Bernal Heights Natural Area (Assessor's Block 5548, Lot 002) for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging temporary designation pursuant to Public Works Section 810(d), and authorizing other official acts in furtherance of the Resolution.

ADOPTED

071476 **[Landmark designation nomination for tree located at 3555 Cesar Chavez Street]**
Supervisor Ammiano

Resolution of intent initiating the nomination of the Moreton Bay Fig tree (Ficus macrophylla) located at 3555 Cesar Chavez Street (Assessor's Block 6575, Lot 002) for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging temporary designation pursuant to Public Works Section 810(d), and authorizing other official acts in furtherance of the Resolution.

ADOPTED

071477 **[Landmark designation nomination for two trees located at 500 Cortland Street in front of Bernal Heights Library]**
Supervisor Ammiano

Resolution of intent initiating the nomination of two Flowering Ash trees (Fraxinus ornus) located at 500 Cortland Street, in front of Bernal Heights Library (Assessor's Bock 5707, Lot 027) for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging temporary designation pursuant to Public Works Section 810(d), and authorizing other official acts in furtherance of the Resolution.

ADOPTED

071478 **[Catholic Charities CYO]**
Supervisors Peskin, Elsbernd

Resolution commending Catholic Charities CYO for 100 Years of Service.

Supervisor Elsbernd requested to be added as a co-sponsor.
ADOPTED

071479 **[Urging Speaker Nancy Pelosi to continue to support and immediately schedule a vote on HR 106, which reaffirms the proper recognition of the Armenian genocide]**
Supervisors Peskin, Dufty, Daly, Maxwell, Elsbernd, Mirkarimi, Ammiano, Sandoval, McGoldrick, Chu

Resolution urging Speaker Nancy Pelosi to continue to support and immediately schedule a vote on House Resolution 106, which reaffirms the U.S. record of the Armenian Genocide.

ADOPTED

071456 **[Final Map - 4501 Irving Street]**
Motion approving Final Map 2532, a 9 Unit Mixed-Use Condominium Project, located at 4501 Irving Street being a subdivision of Lot 052 in Assessors Block No. 1801 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,196; District 4)

APPROVED

071457 **[Final Map - 1521 Sutter Street]**
Motion approving Final Map 4083, a 28 Unit Residential Condominium Project, located at 1521 Sutter Street being a subdivision of Lot 020 in Assessors Block No. 0688 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,184; District 2)

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved ADPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved ADOPTION the Purely Commendatory Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071484 **[Honoring John Consiglieri for his exceptional Balboa High School football legacy and recognizing his lifetime dedication to community service]**

Resolution honoring John Consiglieri for his exceptional Balboa High School football legacy and recognizing his lifetime dedication to community service.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

071458 **[Amendment to Contract for Electric Services]**

Ordinance approving the amendment between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for the performance of duties and obligations of a Scheduling Coordinator pursuant to the California Independent System Operator Tariff and for the delivery of low cost electric power to Treasure Island and Yerba Buena Island on file with the Clerk of the Board of Supervisors in File No. 041351; and approving the City indemnifying and holding the United States harmless against claims arising from the activities of the City under the contract, and waiving the requirement of Section 21.19 of the San Francisco Administrative Code which requires that a City contract contain a statement of guaranteed maximum costs, and waiving the requirement of Section 21.35 of the San Francisco Administrative Code which requires that every contract contain a statement regarding liability of claimants for submitting false claims. (Public Utilities Commission)

10/16/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071459 **[Settlement of Lawsuit - Pacific Gas and Electric Company]**

Ordinance authorizing settlement of the lawsuit filed by Pacific Gas & Electric ("PG&E") against the City and County of San Francisco for $10,000; the lawsuit entitled Pacific Gas and Electric Company v. City and County of San Francisco, et al., Case No. RG-05-246128, was filed on December 9, 2005 in Alameda County Superior Court; other material terms of said settlement are set forth in the Stipulated Judgment and Final Order of Condemnation (and exhibits thereto), contained in Board of Supervisors File No. 071459. (City Attorney)

10/17/07, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

071460 **[Easement Modification and Relocation Agreement - University of California Parnassus Heights Campus]**

Resolution approving and authorizing the execution and delivery of an Easement Modification and Relocation Agreement between The Regents of the University of California ("University") and the City and County of San Francisco, acting by and through its Public Utilities Commission (collectively referred to hereafter as the "City"), authorizing the City's acceptance of a Modified and Restated Grant of Easement and Agreement For Expanded Storage Tank Easement, the City's quitclaim of the Existing Storage Tank Easement to the University, the City's acceptance of a Grant of Easement and Agreement For New Pump Station Easement and the City's quitclaim of the Existing Pump Station Easement to the University following completion of the Project; adopting findings of consistency with the General Plan and Eight Priority Policies of Planning Code Section 101.1; and adopting environmental findings. (Real Estate Department)

10/18/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071461 **[Approval of Lease No. GS-09B-02006 with the United States of America at San Francisco International Airport]**

Resolution approving and authorizing the execution of Lease No. GS-09B-02006 with the United States of America for office space to be occupied by the Transportation Security Administration, a Federal agency, in the International Terminal of San Francisco International Airport. (Airport Commission)

10/19/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071462 **[Request authorization by the Board to adopt the County Description of Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2007-08]**

Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2007-08 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for Fiscal Year 2007-08. (Public Health Department)

10/19/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:38 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, November 6, 2007 2:00 PM

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Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

SF
S90
#67
11/6/07

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Ammiano and Maxwell were noted absent.

There was a quorum present.

Supervisors Ammiano and Maxwell were noted present at 2:04 p.m.

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

071418 [Approval of the Ryan White HIV/AIDS Treatment Modernization Act grant application]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to submit an application by the deadline of November 5, 2007, to the Health Resources Services Administration (HRSA) to continue to receive funding for the Ryan White HIV/AIDS Treatment Modernization Act Grant (Ryan White Programs, Part A); for the next grant year, March 1, 2008 through February 28, 2009, with an expected amount of approximately $36,118,233 in funding for the San Francisco Eligible Metropolitan Area (EMA). (Public Health Department)

ADOPTED

071257 [San Francisco Fire Code]

Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2007 San Francisco Fire Code consisting of the 2007 California Fire Code and portions of the 2006 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. (Fire Department)

FINALLY PASSED

071430 [Accept-Expend Private Foundation Grant - Back on Track Program]
Supervisor Dufty

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to accept and expend a grant in the amount of $25,000 from the Metta Fund Health Foundation for a program entitled "Back on Track" for fiscal year 2007/2008.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

071257 [San Francisco Fire Code]

Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2007 San Francisco Fire Code consisting of the 2007 California Fire Code and portions of the 2006 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. (Fire Department)

FINALLY PASSED

071274 [San Francisco Building Code]

Ordinance repealing the San Francisco Building Code in its entirety and replacing that code with a new 2007 San Francisco Building Code consisting of the 2007 California Building Code, which is based upon the 2006 International Building Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

FINALLY PASSED

071275 [San Francisco Electrical Code]

Ordinance repealing the San Francisco Electrical Code in its entirety and replacing that code with a new 2007 San Francisco Electrical Code consisting of the 2007 California Electrical Code, which is based upon the 2005 National Electrical Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

FINALLY PASSED

071276 [San Francisco Housing Code]

Ordinance repealing the San Francisco Housing Code in its entirety and replacing that code with a new 2007 San Francisco Housing Code to conform to the new numbering system of the 2007 California Building Code and to re-enact San Francisco's local amendments to the State Housing Code with minor changes; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

FINALLY PASSED

071277 **[San Francisco Mechanical Code]**

Ordinance repealing the San Francisco Mechanical Code in its entirety and replacing that code with a new 2007 San Francisco Mechanical Code consisting of the 2007 California Mechanical Code, which is based upon the 2006 Uniform Mechanical Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

FINALLY PASSED

071278 **[San Francisco Plumbing Code]**

Ordinance repealing the San Francisco Plumbing Code in its entirety and replacing that code with a new 2007 San Francisco Plumbing Code consisting of the 2007 California Plumbing Code, which is based upon the 2006 Uniform Plumbing Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

FINALLY PASSED

Recommendations of the Rules Committee

071412 **[Settlement of Lawsuit - Mitchell Engineering/J. Fletcher Creamer & Son, Inc.]**

Ordinance authorizing settlement of the lawsuit filed by Mitchell Engineering/J. Fletcher Creamer & Son, Inc. against the City and County of San Francisco for $775,000; the lawsuit was filed on July 6, 2005 in San Joaquin County Superior Court, Case No. CV 026863; entitled Mitchell Engineering/J/ Fletcher Creamer & Son, Inc., et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

071455 **[Appointment - Library Citizens Advisory Committee]**

Resolution appointing Margaret Lee to the Library Citizens Advisory Committee.

Margaret Lee, succeeding Maryam Daryabegi-Far, seat 13, term expired, must be a member from the community at large, representative of New Americans for whom English is a second language, for the unexpired portion of a two-year term ending July 18, 2008.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation from the Land Use and Economic Development Committee

070617 **[Zoning - modifying the definition of liquor store to remove prohibitions on grocery stores and similar uses]**

Supervisor Alioto-Pier

Ordinance amending Planning Code Sections 790.55, 790.102, 249.5, 781.8, 781.9, 782, 783, and 784 to remove grocery stores and other similar uses from prohibitions placed on the establishment of liquor stores in certain districts; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Supervisor Alioto-Pier seconded by Supervisor Mirkarimi, divide the question relating to adding on page 3, line 14, "(c) sell any single serving beer containers of 24 ounces or less".
See File Nos. 071532 for details.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071532 **[Zoning - modifying the definition of liquor store to remove prohibitions on grocery stores and similar uses]**

Supervisor Alioto-Pier

Ordinance amending Planning Code Sections 790.55, 790.102, 249.5, 781.8, 781.9, 782, 783, and 784 to remove grocery stores and other similar uses from prohibitions placed on the establishment of liquor stores in certain districts; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

New Title to be provided.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

071254 [Landmark Tree Designation of Coast Live Oak tree at 4124 - 23rd Street]
Supervisor Dufty

Ordinance designating the Coast Live Oak tree at 4124 23rd Street (Assessor's Block 2803, Lot 3) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation. (Environment)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

071394 [Urging restoration of two-way traffic on Ellis and Eddy Streets]
Supervisor Daly

Resolution urging the Municipal Transportation Agency to restore two-way traffic on the length of Eddy and Ellis Streets, to consolidate the Muni 31 and 27 routes onto Eddy Street, and to develop detailed plans and a phased implementation strategy for transportation and streetscape improvements to these streets to enhance their role as east-west pedestrian, bicycle, and transit corridors.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071343 [Street encroachment sensu sculpture as a gateway icon for Japantown on Webster Street]
Supervisor Mirkarimi

Ordinance granting revocable permission to the Japanese Cultural and Community Center of Northern California to occupy a portion of the public right-of-way for the installation of a sensu sculpture on the median of Webster Street between Geary Boulevard and Post Street in the Japantown neighborhood; waiving right-of-way occupancy assessment fees; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071432 [Street encroachment on Linden Street between Gough Street and Octavia Boulevard]
Supervisor Mirkarimi

Ordinance granting revocable permission to 300 Linden LLC to occupy the public right-of-way to construct street encroachment improvements on a portion of Linden Street, an unaccepted public right-of-way, between Gough and Octavia Boulevard, including new landscaping, raised stamped and colored asphalt paving, ADA approved detectable warning material, raised planters and granite curbstones for seating; waiving right-of-way occupancy assessment fees; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071097 [Urging restoration of two-way traffic on Hayes Street]
Supervisor Mirkarimi

Resolution urging the Municipal Transportation Agency to restore two-way traffic on the block of Hayes Street between Gough and Franklin streets, to restore the pedestrian crossing of Gough Street on the south side of Hayes Street, and develop a detailed plan and implementation strategy for streetscape improvements to the Hayes Valley Commercial District along Hayes Street between Franklin and Laguna streets.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations from the Rules Committee

071369 [Sweatfree Contracting Ordinance Amendments]
Supervisor Ammiano

Ordinance amending Sections 12U.2, 12U.3, and 12U.9 of the Administrative Code, and adding Section 12U.9.5, to (1) provide a system for awarding contracts to a bidder or proposer most substantially in compliance, but not in full compliance, with the Sweatfree Contracting Ordinance, when no bids or proposals are in full compliance, but only where such awards would not increase the cost of the contract by more than fifteen percent; and (2) make other changes in the Sweatfree Contracting Ordinance, including revising and simplifying the monetary threshold triggering coverage of certain subcontracts; relaxing the ban on mandatory overtime; referencing retirement benefits in calculation of wages; and relaxing the requirement for contractors' providing information as to amounts to be paid to subcontractors by providing that amounts be reported within a monetary range rather than as an exact dollar figure.

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Ordinance amending Sections 12U.2, 12U.3, and 12U.9 of the Administrative Code, and adding Section 12U.9.5, to (1) provide a system for awarding contracts to a bidder or proposer most substantially in compliance, but not in full compliance, with the Sweatfree Contracting Ordinance, when no bids or proposals are in full compliance, but only where such awards would not increase the cost of the contract by more than fifteen percent; and (2) make other changes in the Sweatfree Contracting Ordinance, including relaxing the ban on mandatory overtime; referencing retirement benefits in calculation of wages; and relaxing the requirement for contractors' providing information as to amounts to be paid to subcontractors by providing that amounts be reported within a monetary range rather than as an exact dollar figure.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Appointment of President Pro Tempore

At the request of the President, Supervisor Daly assumed the Chair so the President could participate in the debate from the floor concerning the following item.

071003 [Consolidating the Public Campaign Financing Programs for Mayor and Board of Supervisors]
Supervisor Daly

Ordinance amending Sections 1.104, 1.108, 1.130, 1.134, 1.134.5, 1.136, 1.138, 1.140, 1.142, 1.144, 1.146, 1.148, 1.150, 1.152, 1.154, 1.156 and 1.170 and repealing Sections 1.138.5, 1.140.5 and 1.144.5 of the Campaign and Governmental Conduct Code to combine the separate partial public financing programs for candidates for the Board of Supervisors and candidates for Mayor into one partial public financing program and raising the expenditure ceiling for candidates for the Board of Supervisors to $140,000.

(No Economic Impact)
(Supervisor Elsbernd dissented in Committee)

Supervisor Peskin added as a co-sponsor.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Elsbernd, seconded by Supervisor Chu, moved to further amend.

Motion to further amend failed by the following vote:
Ayes: 3 - Alioto-Pier, Chu, Elsbernd
Noes: 8- Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

071090 [Regulation of False Political Telemarketing Through Persuasion Polls]
Supervisors Daly, Ammiano, Mirkarimi

Ordinance amending the Campaign and Governmental Conduct Code by adding Section 1.160.5 to require that persons conducting or paying for telephonic persuasion polls must disclose information to call recipients during the telephone calls and must file disclosures with the San Francisco Ethics Commission.

(Supervisor Elsbernd dissented in Committee)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

070672 [Initiative Petition Circulator Identification Requirements]
Supervisor Daly

Ordinance amending the Municipal Elections Code by adding Section 335 to require initiative, recall and referendum petition circulators to display a badge disclosing whether they are volunteer or paid circulators and requiring circulators to disclose the name(s) of the proponents of the petition upon request.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

071221 [Requiring meeting agendas of a policy body to include attendance records for members of the body]
Supervisor Daly

Ordinance amending Section 67.7 of the Administrative Code to require meeting agendas for a policy body to include attendance records for members of the body.

NOT PASSED ON FIRST READING by the following vote:

Ayes: 3 - Ammiano, Daly, Mirkarimi
Noes: 8 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval

071290 [Filing of Mass Mailings Paid for with Independent Expenditures]
Supervisor Daly

Ordinance amending the Campaign and Governmental Conduct Code by amending Section 1.161 and repealing Section 1.162 to require persons making independent expenditures to pay for mass mailings that support or oppose candidates for City elective office to file those mailings and itemizations of costs with the Ethics Commission, and renumbering Section 1.162.5.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Rules Committee Without Recommendation

071222 [Amending Section 16.9-25 of the Administrative Code to prohibit managers from pursuing or engaging in romantic or sexual relationships with employees under their supervision]
Supervisor Daly

Ordinance amending Section 16.9-25 of the Administrative Code to prohibit managers from pursuing or engaging in romantic or sexual relationships with employees under their supervision.

Continued to November 20, 2007

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

SPECIAL ORDER

Board of Supervisors Sitting as a Committee of the Whole

071488 **[Hearing and public comment relating to considerations of applicants for and appointment of outside Legal Counsel to advise and represent the Board of Supervisors in the official misconduct proceedings against Supervisor Edmund Jew]**

Hearing to allow all applicants to present their qualifications and allow members of the public to comment on applications submitted for providing services to the Board of Supervisors for the official misconduct proceedings against Supervisor Edmund Jew; possible selection by the Board of Supervisors for outside Legal Counsel for said proceedings. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board members.

Continued to November 20, 2007

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to members of the San Francisco Police Department in recognition of their efforts in apprehension of a suspect in relation to an incident at Grace Cathedral.

Supervisor Alioto-Pier, introduced, welcomed and presented a Certificate of Honor to Perry Butler in recognition of his business, Perry's, located on Union Street.

COMMITTEE REPORTS

071495 [Consolidating the Public Campaign Financing Programs for Mayor and Board of Supervisors]
Supervisor Daly

Ordinance amending Sections 1.104, 1.108, 1.130, 1.134, 1.134.5, 1.136, 1.138, 1.140, 1.142, 1.144, 1.146, 1.148, 1.150, 1.152, 1.154, 1.156 and 1.170 and repealing Sections 1.138.5, 1.140.5 and 1.144.5 of the Campaign and Governmental Conduct Code to combine the separate partial public financing programs for candidates for the Board of Supervisors and candidates for Mayor into one partial public financing program and raising the expenditure ceiling for candidates for the Board of Supervisors to $140,000.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071468 [Confirmation - San Francisco Redevelopment Agency]
Mayor

Resolution confirming the appointment of Richard Swig by the Mayor to the San Francisco Redevelopment Agency.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdulallah Megahed; expressed appreciation to Department of Election for the printing the voter information in three languages
James Chaffee; expressed concern with issues relating to the SF Public Library
Male speaker; expressed concern with issues relating to elected officials and the management of the Recreation and Parks Department
Silvia Johnson: expressed concern with general issues
Eugene Gordon Jr.; expressed concern with issues relating to the violation of human rights
Rodney; expressed appreciation for the handling of the Halloween events

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

071500 **[Congratulating Rabbi Doug Kahn in honor of 25 years of service with the Jewish Community Relations Council]**

Supervisors Dufty, Peskin, Chu

Resolution congratulating Rabbi Doug Kahn in honor of his 25 years of service with the Jewish Community Relations Council.

Supervisor Chu requested to be added as a co-sponsor.

ADOPTED

071501 **[Opposing the Social Security Administration's "No-Match" Letters]**

Supervisors Ammiano, Mirkarimi, Chu

Resolution opposing the Social Security Administration's "No Match" letters which compel employers to take corrective action against workers whose names do not match their proffered Social Security numbers.

Supervisors Mirkarimi and Chu requested to be added as co-sponsors.

ADOPTED

071502 **[Opposing the Employment Non Discrimination Act (ENDA) if gender protection is not included]**

Supervisors Ammiano, Dufty, Mirkarimi

Resolution opposing the Employment Non Discrimination Act (ENDA) if it does not include protections for gender identity, calling on elected leaders to introduce ENDA legislation with gender identity protections and calling on elected leaders to protect the rights of the LGBT community.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED

071503 [Aer Lingus]

Supervisors Elsbernd, Alioto-Pier, Daly, Dufty, Mirkarimi, Chu

Resolution commending the San Francisco – Cork City Sister City Committee for its work bringing Aer Lingus to SFO and commemorating October 28, 2007 as the inaugural date for direct service between San Francisco and Ireland.

Supervisors Dufty, Mirkarimi and Chu requested to be added as co-sponsors.

ADOPTED

071505 **[Urging Medical Cannabis Dispensaries to implement compassionate care programs to serve low and no income patients]**

Supervisor Mirkarimi

Resolution urging Medical Cannabis Dispensaries to implement compassionate care programs to serve low and no income patients and provide receipts for medical services and consultation for patients to seek Medi-Cal reimbursement.

ADOPTED

071506 **[Urging President George W. Bush to allow the United States to join the group of nations that ratify and agree to be bound by the United Nations Convention on the Rights of Person's with Disabilities]**
Supervisor Alioto-Pier

Resolution urging President George W. Bush to sign the United Nations Convention on the Rights of Persons with Disabilities and allow the United States to join the group of nations that have ratified and agreed to be bound by the Convention.

ADOPTED

071499 **[Authorizing preparation of Proponent/Opponent ballot argument and rebuttal ballot argument for submittal to the voters at the February 8, 2008 Election]**

Motion authorizing preparation of written Proponent and Opponent ballot argument and rebuttal ballot argument for a bond measure approved by the Board of Supervisors for submittal to the voters at the February 8, 2008 Election. (Clerk of the Board)

APPROVED

071481 **[Final Map - 55 Page Street]**

Motion approving Final Map 3805, a 128 Residential Unit and 4 Commercial Unit Mixed-Use Condominium Project, located at 55 Page Street being a subdivision of Lot 009 in Assessors Block No. 0854 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,222; District 6)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

Supervisor Daly was noted absent at 3:44 p.m.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

071515 [Commemorating the 30th anniversary of the election of Harvey Milk to the Board of Supervisors of San Francisco]

Supervisors Dufty, Ammiano

Resolution commemorating the 30th anniversary of the election of Harvey Milk to the Board of Supervisors of San Francisco.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

071480 [Re-Appointment - Local Homeless Coordinating Board]

Resolution re-appointing Christine Ma, M.D., for a term to be determined, to the Local Homeless Coordinating Board, residency requirement waived. (Controller)

10/24/07, RECEIVED AND ASSIGNED to Rules Committee.

071483 [Settlement of Grievance - Service Employees International Union, AFL-CIO, Local 790 ("Union")]

Resolution approving the settlement of the grievance (ERD No. 81-06-1465) filed by Service Employees International Union, AFL-CIO, Local 790 ("Union") on behalf of Grievant Victoria Sargent against the City and County of San Francisco for $133,751.52. Other material terms of said settlement is that Grievant and Union shall release all claims relating to Grievant's employment with the City and that Grievant shall be restricted from any future employment with the City. (City Attorney)

10/26/07, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board at the hour of 3:45 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

DOCUMENTS DEPT.
NOV 15 2007
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, November 13, 2007 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.
NOV 15 2007
SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll Supervisors Ammiano, McGoldrick and Sandvoal were noted absent.

There was a quorum present.

Supervisors Ammiano, McGoldrick and Sandoval were noted present at 2:04 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved to approve Board Meeting Minutes of October 16, 2007 and October 23, 2007. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

071254 **[Landmark Tree Designation of Coast Live Oak tree at 4124 - 23rd Street]**
Supervisor Dufty

Ordinance designating the Coast Live Oak tree at 4124 23rd Street (Assessor's Block 2803, Lot 3) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation. (Environment)

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

071343 **[Street encroachment sensu sculpture as a gateway icon for Japantown on Webster Street]**
Supervisor Mirkarimi

Ordinance granting revocable permission to the Japanese Cultural and Community Center of Northern California to occupy a portion of the public right-of-way for the installation of a sensu sculpture on the median of Webster Street between Geary Boulevard and Post Street in the Japantown neighborhood; waiving right-of-way occupancy assessment fees; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

FINALLY PASSED

071432 **[Street encroachment on Linden Street between Gough Street and Octavia Boulevard]**
Supervisor Mirkarimi

Ordinance granting revocable permission to 300 Linden LLC to occupy the public right-of-way to construct street encroachment improvements on a portion of Linden Street, an unaccepted public right-of-way, between Gough and Octavia Boulevard, including new landscaping, raised stamped and colored asphalt paving, ADA approved detectable warning material, raised planters and granite curbstones for seating; waiving right-of-way occupancy assessment fees; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

FINALLY PASSED

Recommendations of the Rules Committee

071290 **[Filing of Mass Mailings Paid for with Independent Expenditures]**
Supervisor Daly

Ordinance amending the Campaign and Governmental Conduct Code by amending Section 1.161 and repealing Section 1.162 to require persons making independent expenditures to pay for mass mailings that support or oppose candidates for City elective office to file those mailings and itemizations of costs with the Ethics Commission, and renumbering Section 1.162.5.

FINALLY PASSED

071494 **[Appointment - Peak Oil Preparedness Task Force]**
Resolution appointing Jason Mark, Marya Stark and Patricia Gerber to the Peak Oil Preparedness Task Force, terms ending October 5, 2008.

Jason Mark, new appointment, seat 5, must represent the public at-large, for a one-year term ending October 5, 2008.
Marya Start, new appointment, seat 6, must represent the public at-large, for a one-year term ending October 5, 2008.
Patricia Gerber, new appointment, seat 7, must represent the public at-large, for a one-year term ending October 5, 2008.

ADOPTED

071496 **[Appointment - Local Homeless Coordinating Board]**

Resolution appointing Laura Guzman, term ending October 21, 2009, to the Local Homeless Coordinating Board, residency requirement waived.

Laura Guzman (residency requirement waived), succeeding herself, term expired, seat 1, must be a member of the disabled community, for a two-year term ending October 21, 2009.

ADOPTED

071497 **[Appointment - Child Care Planning and Advisory Council]**

Resolution appointing Natalie Brutto, term ending December 31, 2009, and Noushin Mofakham, term ending December 31, 2010, to the Child Care Planning and Advisory Council; residency requirement waived.

Natalie Brutto, succeeding herself, term expired, seat 5, must be a nominee of District 5 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative," for the unexpired portion of a three-year term ending December 31, 2009.
Noushin Mofakham (residency requirement waived), succeeding Chris Cleary, term expired, seat 6, must be a nominee of District 6 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative," for a new three-year term ending December 31, 2010.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

071532 **[Zoning - modifying the definition of liquor store to remove prohibitions on grocery stores and similar uses]**

Supervisor Alioto-Pier

Ordinance amending Planning Code Sections 790.55 to further define grocery stores.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations from the Rules Committee

070410 [San Francisco Bonding Program]
Supervisor Mirkarimi

Ordinance amending Chapter 30 of the San Francisco Administrative Code to add Article II thereto to create the San Francisco Bonding Program and to authorize the City to purchase bonds for employers who agree to hire hard-to-place employees.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070672 [Initiative Petition Circulator Identification Requirements]
Supervisor Daly

Ordinance amending the Municipal Elections Code by adding Section 335 to require initiative, recall and referendum petition circulators to display a badge disclosing whether they are volunteer or paid circulators and requiring circulators to disclose the name(s) of the proponents of the petition upon request.

FINALLY PASSED by the following vote:
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

071003 [Consolidating the Public Campaign Financing Programs for Mayor and Board of Supervisors]
Supervisors Daly, Peskin

Ordinance amending Sections 1.104, 1.108, 1.130, 1.134, 1.134.5, 1.136, 1.138, 1.140, 1.142, 1.144, 1.146, 1.148, 1.150, 1.152, 1.154, 1.156 and 1.170 and repealing Sections 1.138.5, 1.140.5 and 1.144.5 of the Campaign and Governmental Conduct Code to combine the separate partial public financing programs for candidates for the Board of Supervisors and candidates for Mayor into one partial public financing program and raising the expenditure ceiling for candidates for the Board of Supervisors to $140,000.

(No Economic Impact)
(Supervisor Elsbernd dissented in Committee)

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved to amend.
Motion to amend failed by the following vote:
Ayes: 4 - Chu, Daly, Elsbernd, Mirkarimi
Noes: 7 - Alioto-Pier, Ammiano, Dufty, Maxwell, McGoldrick, Peskin, Sandoval

FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

071090 [Regulation of False Political Telemarketing Through Persuasion Polls]
Supervisors Daly, Ammiano, Mirkarimi

Ordinance amending the Campaign and Governmental Conduct Code by adding Section 1.160.5 to require that persons conducting or paying for telephonic persuasion polls must disclose information to call recipients during the telephone calls and must file disclosures with the San Francisco Ethics Commission.

(Supervisor Elsbernd dissented in Committee)

FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Maxwell

071369 [Sweatfree Contracting Ordinance Amendments]
Supervisor Ammiano

Ordinance amending Sections 12U.2, 12U.3, and 12U.9 of the Administrative Code, and adding Section 12U.9.5, to (1) provide a system for awarding contracts to a bidder or proposer most substantially in compliance, but not in full compliance, with the Sweatfree Contracting Ordinance, when no bids or proposals are in full compliance, but only where such awards would not increase the cost of the contract by more than fifteen percent; and (2) make other changes in the Sweatfree Contracting Ordinance, including relaxing the ban on mandatory overtime; referencing retirement benefits in calculation of wages; and relaxing the requirement for contractors' providing information as to amounts to be paid to subcontractors by providing that amounts be reported within a monetary range rather than as an exact dollar figure.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

071460 **[Easement Modification and Relocation Agreement - University of California Parnassus Heights Campus]**

Resolution approving and authorizing the execution and delivery of an Easement Modification and Relocation Agreement between The Regents of the University of California ("University") and the City and County of San Francisco, acting by and through its Public Utilities Commission (collectively referred to hereafter as the "City"), authorizing the City's acceptance of a Modified and Restated Grant of Easement and Agreement For Expanded Storage Tank Easement, the City's quitclaim of the Existing Storage Tank Easement to the University, the City's acceptance of a Grant of Easement and Agreement For New Pump Station Easement and the City's quitclaim of the Existing Pump Station Easement to the University following completion of the Project; adopting findings of consistency with the General Plan and Eight Priority Policies of Planning Code Section 101.1; and adopting environmental findings. (Real Estate Department)

Continued to December 11, 2007

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071465 **[Directing the controller transfer funds that were previously budgeted for the Office of the Legislative Analyst to the Budget Analyst]**

Supervisors Sandoval, Mirkarimi, Peskin

Resolution directing the controller to transfer funds that were previously budgeted for the Office of the Legislative Analyst to the Budget Analyst for actuary services. .

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071466 **[Funding Agreement for 2007 Spare the Air Campaign]**

Supervisor Ammiano

Resolution approving the Funding Agreement between the Metropolitan Transportation Commission and the City and County of San Francisco for the 2007 Spare the Air/Free Transit campaign.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071437 **[Appropriating $372,596 of Revenue from State Mandated Costs for Prisoner Boarding in the Sheriff's Department Retroactive to Fiscal Year 2006-07]**
Mayor

Ordinance appropriating $372,596 of Revenue from State Mandated Costs for Prisoner Boarding in the Sheriff's Department Retroactive to Fiscal Year 2006-07.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071438 **[Mortgage Revenue Bonds - Mason Street Supportive Housing]**
Mayor

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $30,000,000 for Mason Street Supportive Housing; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $30,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee With Recommendation "Do Not Pass"

071386 **[Approving a contract with anticipated expenditures in excess of $10 million]**
Resolution approving an Agreement between the City and County of San Francisco and S & S Trucking (Contractor) for hauling biosolids (sludge) and grit estimated to exceed $10 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

NOT ADOPTED by the following vote:
Ayes: 1 - Daly
Noes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Government and Audit Oversight Committee

071136 [Recreation and Park Department - Camping, Sleeping]
Mayor

Ordinance amending San Francisco Park Code Section 3.12 to prohibit cooking, and to prohibit modification of park landscape to create a shelter; and amending Section 3.13 to prohibit sleeping in any park from 8:00 p.m. to 8:00 a.m.

Continued to November 20,2007

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Chu
Absent: 1 - Dufty

Recommendations of the Land Use and Economic Development Committee

070489 **[Closing specified streets in Golden Gate Park on Saturdays]**
Supervisor McGoldrick

Ordinance amending Section 6.13 of the San Francisco Park Code to prohibit motor vehicle traffic on Saturdays in Golden Gate Park on John F. Kennedy Drive between Transverse Drive and the western side of Hagiwara Tea Garden Drive and Stow Lake Drive between Stow Lake Drive East and John F. Kennedy Drive from the first Saturday in April to the last Saturday in September; requesting development of an improvement plan for Middle Drive West between Transverse Drive and Metson Road; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

070671 **[Amending the Planning Code to Create the Fringe Financial Service Restricted Use District and Making Related Zoning Map Amendments]**
Supervisor Ammiano

Ordinance amending San Francisco Planning Code Sections 249.5, 781.8, 781.9, 782, and 783 and adding Section 249.35 to the San Francisco Planning Code to create a noncontiguous Fringe Financial Service Restricted Use District prohibiting new fringe financial services, as defined, with certain exceptions; amending San Francisco Planning Code Section 312 to require certain notice in Neighborhood Commercial Districts; amending San Francisco Planning Code Section 227 to add Fringe Financial Service Use to the Commercial District Zoning Control Table; amending San Francisco Planning Code Sections 702.4, 703.2 and 710 through 730 to add Fringe Financial Service Use to the Neighborhood Commercial District Zoning Control Tables; adding Section 790.111 and 890.113 to the San Francisco Planning Code to define a Fringe Financial Service Use; amending San Francisco Planning Code Sections 790.110, 790.112, 890.110, and 890.112 to require that use applications for Financial Services and Limited Financial Services include a copy of any state-issued license; amending San Francisco Planning Code Sections 803.2, 810, 811, and 812 to add Fringe Financial Service Use to the Chinatown Zoning Control Tables; amending San Francisco Planning Code Sections 814 through 818 to add Fringe Financial Service Use to certain Zoning Control Tables in the South of Market area; amending San Francisco Planning Code Section 827 to add Fringe Financial Service Use to the Rincon Hill Downtown Residential Mixed Use District Zoning Control Table; amending Zoning Maps Numbers SU01, SU02, SU06, SU07, SU08, and SU10 of Zoning Map of the City and County of San Francisco to indicate the boundaries of the Fringe Financial Service Restricted Use District, and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

(5/23/07 - Economic Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

071056 [Centralization of Workforce Development Efforts Under the Department of Economic and Workforce Development]

Supervisors Mirkarimi, Peskin, Ammiano, Maxwell

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 30, Sections 30.1 through 30.8, to: 1) centralize the City's workforce development policy and oversight under the Department of Economic and Workforce Development (DEWD), or successor department; 2) require the Director of Economic and Workforce Development to manage all general fund expenditures on workforce development, create City-wide workforce development policy, develop a Funding Allocation Plan for workforce development funds and annually report on workforce development policies to the Board of Supervisors; 3) require City departments to enter into Memoranda of Understanding with DEWD as a condition of administering workforce development dollars; 4) require the Mayor to submit the names of prospective appointees to the Local Work Force Investment Board to the Board of Supervisors for approval or to appoint two members of the Board of Supervisors to the Local Workforce Investment Board; 5) create a community advisory committee to the Local Workforce Investment Board; and, 6) require that the Workforce Investment Act Local Plan be submitted for review and comment to the Board of Supervisors, and by amending Administrative Code Section 83.6 to place the administration of the First Source Hiring Program under the DEWD.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

Supervisors Daly and McGoldrick were noted absent at 3:58 p.m.

071265 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 2721 Pierce Street]**
Hearing of persons interested in or objecting to the decision of the Planning Department dated April 19, 2007, Case No. 2006.1415D, (Building Permit Application No. 2006.07.03.5586) is exempt from environmental review under Categorical Exemption, [State CEQA Guidelines, Section 15301 Class 1]. The proposal consists of adding two windows on the facade, removing a rear sun porch and adding a two-story rear addition at 2721 Pierce Street, Lot 006 in Assessor's Block 0560. (Appellants: Susan Brandt-Hawley on behalf of Judge Carlos Bea and Louise Bea)

(Filed August 31, 2007; Companion Files to 071266, 071267, 071268; District 2.)

The President inquired as to whether or not any member of the public wished to address the Board members.

Susanne Brandt-Hawley, Attorney for the appellant requesting a continuance to December 4, 2007 if not to be heard today.
Brett Gladstone, Attorney for the project sponsor requesting a continuance to November 20, 2007.

Continued to December 4, 2007

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

071266 **[Affirming the Categorical Exemption issued for 2721 Pierce Street]**
Motion affirming the determination by the Planning Department that the 2721 Pierce Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to December 4, 2007

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

071267 [Disapproving the Categorical Exemption issued for 2721 Pierce Street]

Motion disapproving the determination by the Planning Department that the 2721 Pierce Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to December 4, 2007

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

071268 [Preparation of findings related to the 2721 Pierce Street Project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 2721 Pierce Street is exempt from environmental review under the California Environmental Quality Act.

Continued to December 4, 2007

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

SPECIAL ORDER 4:00 P.M.

070910 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

The President inquired as to whether or not any member of the public wished to address the Board members.
Continued to December 4, 2007

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved)

070911 **[Affirming the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to December 4, 2007

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

070912 **[Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to December 4, 2007

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

070913 **[Preparation of findings related to the 3424 Jackson Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to December 4, 2007

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

SPECIAL ORDER 4:30 P.M.

Supervisor McGoldrick was noted present at 5:09 p.m.

071319 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 376 Eureka Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 2, 2007, Case No. 2005.0365E, exempting from environmental review under Categorical Exemption Class 1 [State CEQA Guidelines, Sections 15301(a) and (e)]. The project would expand an existing one-story-plus attic, 1,056-square-foot single-family dwelling and minor alterations to an accessory rear one-story-plus-attic, 300-square-foot cottage on an approximately 3,250-square-foot lot. The proposed expansion consists of a two-story, approximately 24-foot-high, 22-foot-deep addition to the rear of the dwelling, which would add approximately 1,020 square feet of habitable area. In addition, the project includes raising the dwelling by 2 feet and constructing an approximately 800-square-foot below-grade garage and basement area increasing the building height from 16-1/2 feet to 18-1/2 feet. The existing front set back of 11-1/2 feet would not change. In addition, the proposal would alter an accessory rear one-story-plus-attic, 300-square foot cottage by removing a kitchen. The project site (Assessor's Block 2749, Lot 017) is within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. (Appellant: F. Joseph Butler, AIA, on behalf of Susan Lally and Priscilla Botsford)

(Filed September 14, 2007; companion measure to 071320, 071321, 071322; District 8.)

The President inquired as to whether or not any member of the public wished to address the Board members.
Stephen Williams; Attorney for the appellant
Susan Lalley; support of the appellant
Michael Hoffman; support of the appellant
Jeffrey Levin; support of the appellant
Roger; support of the appellant
David Lesh; support of the appellant
Rachelle Gotley; support of the appellant
Judith William; support of the appellant
Jeff Markoff; support of the appellant
Male speaker; support of the appellant
Kathy Suhey; support of the appellant
Leslie Markoff; support of the appellant
Zach Stewart; support of the appellant
Sam Hughes; support of the appellant
Ms. McElroy; support of the appellant
Joseph Butler; support of the appellant
Female speaker; support of the appellant

Lisa Gibson, Michael Smith and Mark Llewllyn, Representatives of the Planning Department reviewed with the Board the Planning Department's recommendation with the Board members.

Chris Baker, Project sponsor
Reuben Junius, Attorney of the project sponsor; support of the project sponsor
Jay Turnbull; support of the project sponsor
Steve Fullman; support of the project sponsor
Evelyn Bill; support of project sponsor
Phil Mathews; support of the project sponsor
Brent McDonald, architect for the project sponsor; support of the project sponsor
Bethany Edgeberry; support of the project sponsor
Sarah Meridian; support of the project sponsor
Lindsey Sanders; support of the project sponsor
Michelle; support of the project sponsor
Michelle Saxon; support of the project sponsor
Imusu Uko; support of the project sponsor
Male speaker; support of the project sponsor
Chrstina Baker, project sponsor
Arnie Lerner; support of the project sponsor

Rebuttal Period:
Stephen Williams, Attorney for the appellant
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved)

071320 **[Affirming the Categorical Exemption issued for the 376 Eureka Street Project]**

Motion affirming the determination by the Planning Department that the 376 Eureka Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Chu, Dufty, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Mirkarimi
Absent: 1 - Daly

071321 **[Disapproving the Categorical Exemption issued for the 376 Eureka Street Project]**

Motion disapproving the determination by the Planning Department that the 376 Eureka Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Chu, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Chu, Dufty, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Mirkarimi
Absent: 1 - Daly

071322 **[Preparation of findings related to the 376 Eureka Street Project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 376 Eureka Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Chu, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Chu, Dufty, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Mirkarimi
Absent: 1 - Daly

COMMITTEE REPORTS

071333 [Municipal Identification Cards]
Supervisors Ammiano, Peskin, Dufty, Mirkarimi, Sandoval, McGoldrick, Daly

Ordinance adding Section 95.2 to the San Francisco Administrative Code authorizing the County Clerk to issue municipal identification cards upon request to residents of the City and County of San Francisco.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd

ROLL CALL FOR INTRODUCTIONS

Supervisors Daly, McGoldrick, Peskin and Sandoval were noted absent at 3:58 p.m.
Supervisors Peskin and Sandoval were noted present at 4:10 p.m.

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megahed; expressed concern with issues relating to the recent oil spill
James Chaffee; expressed concern with issues relating to the SF Public Library
Male speaker; expressed concern with issues relating to the elected officials in San Francisco and the protection of resources in San Francisco and violence in Golden Gate Park
Female speaker; expressed concern with issues relating to the ROTC program in the SFUSD
Jennifer Friednbach: expressed concern with issues relating to housing and camping in the park
John di Donna; expressed concern with issues relating to gay individuals
Richard Stipman; expressed concern with issues relating to hate crimes
Star Davies; expressed concern with issues relating to the Care Not Cash
Richard Robinson; expressed concern with issues relating to trans gender marriages
Richard Mageary; expressed concern with issues relating to the patenting of ideas

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

This measure was introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

071539 **[Authorizing the office of the Clerk of the Board of Supervisors to provide clerical, administrative and logistical assistance to the San Francisco Local Agency Formation Commission]**
Supervisor Mirkarimi

Resolution authorizing the Office of the Clerk of the Board of Supervisors to provide clerical, administrative and logistical assistance to the San Francisco Local Agency Formation Commission for the purpose of instituting its Advice and Monitoring Project with respect to CCA Program Implementation as requested by the San Francisco Board of Supervisors and for the Clerk of the Board of Supervisors to seek reimbursement from LAFCo therefor.

Supervisor Elsbernd requested that this matter be referred to committee.
REFERRED.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Ammiano, seconded by Supervisor Dufty, moved ADOPTION of the Serious Injury finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Ammiano, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

071554 [Concurring in Proclamation of Local Emergency]
Supervisor Peskin

Motion concurring in the November 13, 2007 Proclamation of a Local Emergency by the Mayor.

APPROVED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

PROPOSED ORDINANCES

071511 [Revising Double Parking Restrictions for Municipal Railway Bus Routes on Stockton Street]

Ordinance amending the San Francisco Traffic Code by amending Section 53 to revise restrictions on double parking on Municipal Railway Bus Routes on Stockton Street. (Municipal Transportation Agency)

11/2/07, RECEIVED AND ASSIGNED to.City Operations and Neighborhood Services Committee.

071513 [Settlement of City's Lawsuit Against Dynegy, Inc., Dynegy Marketing and Trade and West Coast Power LLC]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $480,000 to the City from defendants Dynegy, Inc. and its affiliates Dynegy Marketing and Trade and West Coast Power LLC. (City Attorney)

11/5/07, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

071508 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS – ESTABLISH
Wayland Street at Girard Street, stopping Wayland Street, making this intersection an All-Way STOP;

18th Street and San Carlos Street, stopping San Carlos Street;

Byxbee and Shields Streets, stopping Shields Street, making this intersection an All-Way STOP;

Ralston and Shields Streets, stopping Shields Street, making this intersection an All-Way STOP;

Delano and Santa Ynez Avenues, stopping Delano Avenue, making this intersection an All-Way STOP;

Delano and San Juan Avenues, stopping Delano Avenue, making this intersection an All-Way STOP;

Ostego and Santa Ynez Avenues, stopping Santa Ynez Avenue, making this interesection an All-Way STOP;

Marview Way and Palo Alto Avenue, stopping westbound Palo Alto Avenue;

Annapolis Terrace at Turk Boulevard;

Roselyn Terrace at Turk Boulevard;

Kittredge Terrace at Turk Boulevard; and,

Temescal Terace at Turk Boulevard. (Parking and Traffic Department)

(11/1/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3430.)
11/2/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

071509 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

NO LEFT TURN - ESTABLISH
Ocean Avenue, eastbound at Howth Street

NO LEFT TURN AFTER BALLPARK EVENTS - ESTABLISH
Armstrong Avenue, westbound, at 3rd Street, (after events at Monster Park) (Parking and Traffic Department)

(11/1/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3430.)
11/2/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

071510 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
27th Avenue, west side, from driveway of 671 27th Avenue to 5.5 feet northerly.

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM TO 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Belgrave Avenue, both sides, from west of Stanyan Street to the eastern terminus

RESIDENTIAL PERMIT PARKING AREA "I" (2-HOUR TIME LIMIT, 9 AM TO 8 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Hill Street, both sides, between Guerrero and Valencia Streets (Unit block).

RESIDENTIAL PERMIT PARKING AREA "N" - ESTABLISH
Fulton Street, north side, between 14th and 15th Avenues (3800 block).
Note: No signs will be posted on the block, but residents will be eligible for permits.

PARKING METERS, AREA NO. 3 (30-MINUTE AND 1-HOUR PARKING TIME LIMITS, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - RESCIND
La Playa Street, east side, between Balboa and Cabrillo Streets (700 block).

VANPOOL PARKING ONLY, 6 AM TO 9 AM, MONDAY THROUGH FRIDAY - RESCIND
Van Ness Avenue, east side, between McAllister Street and Grove Street.

TOW-AWAY, NO STOPPING - ESTABLISH
5th Street, west side, from Harrison Street to 120 feet southerly.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Holyoke Street, south side, from Ankeny Street to 120 feet easterly.

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Church Street, both sides, between 23rd and 24th Streets (1100 block)

COMPACT VEHICLES ONLY – ESTABLISH
1608 Treat Avenue, west side, from 5 feet to 12.5 feet north of the north property line of 1651 Treat Avenue (creates one compact car parking box measuring 7.5 feet wide by 13 feet long).

TOW-AWAY, NO PARKING, MIDNIGHT TO 10 A.M., MONDAY THROUGH FRIDAY - ESTABLISH
15th Street, north side, between Florida and Bryant Streets

PARKING METERS AREA 2, (2-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTALISH
Townsend Street, south side, between 7th and 8th Streets, on portions where parking is not prohibited.

PARKING METERS, AREA NO. 3, (2-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - RESCIND
Masonic Avenue, east side, north of Turk Street (200 block) (Parking and Traffic Department)

(11/2/07 - Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3430.)

11/2/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

071512 **[Juvenile Probation & Camps Funding Program Agreement-Juvenile Probation Department]**

Resolution authorizing the Juvenile Probation Department to participate in the Juvenile Probation & Camps Funding Program used to pay for direct services to children. (Juvenile Probation Department)

11/2/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

071514 **[Prevailing wages for workers on public works/improvement projects; janitorial services; public off-street parking lots, garages, or auto storage facilities; theatrical services; moving services; and hauling solid waste]**

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; (5) workers performing moving services under City contracts at facilities owned or leased by the City; and (6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City. (Civil Service Commission)

11/5/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 6:30 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES - DRAFT

VOTES

SF
590
#69
11/20/07

Tuesday, November 20, 2007 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Chu, moved to approve the October 30, 2007 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

071437 **[Appropriating $372,596 of Revenue from State Mandated Costs for Prisoner Boarding in the Sheriff's Department Retroactive to Fiscal Year 2006-07]**

Mayor

Ordinance appropriating $372,596 of Revenue from State Mandated Costs for Prisoner Boarding in the Sheriff's Department Retroactive to Fiscal Year 2006-07.

(Fiscal Impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

071462 **[Request authorization by the Board to adopt the County Description of Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2007-08]**

Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2007-08 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for Fiscal Year 2007-08. (Public Health Department)

ADOPTED

071470 **[State grants to fund food and agricultural projects]**
Supervisor Maxwell

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend three grants totaling $2,877.43, from the California Department of Food and Agriculture (CDFA); for the period of July 1, 2007 through June 30, 2008.

ADOPTED

071491 **[To allow San Francisco Fire Department (SFFD) to accept and expend the California Volunteers - Office of the Governor's Grant for Neighborhood Emergency Response Team (NERT) programs]**
Supervisor Chu

Resolution retroactively authorizing the San Francisco Fire Department (SFFD) to accept and expend a new grant in the amount of $75,095 from the California Volunteers – Office of the Governor for the period of April 1, 2007 to January 31, 2008 to support the Neighborhood Emergency Response Team (NERT) in the development and sharing of innovative, promising, and best practices in Citizen Preparedness and Participation that address all volunteers in all phases in emergency management.

ADOPTED

071504 **[Accept-Expend Grant Funds - Recreation and Parks Department - $75,000]**
Supervisor Elsbernd

Resolution authorizing the San Francisco Recreation and Parks Department to accept and expend a grant in the amount of $75,000 for the Golden Gate Park Spreckels Temple of Music Restoration awarded by the American Express Partners in Preservation Grant Program administered by the National Trust for Historical Preservation.

ADOPTED

Recommendation of the Land Use and Economic Development Committee

070671 [Amending the Planning Code to Create the Fringe Financial Service Restricted Use District and Making Related Zoning Map Amendments]

Supervisor Ammiano

Ordinance amending San Francisco Planning Code Sections 249.5, 781.8, 781.9, 782, and 783 and adding Section 249.35 to the San Francisco Planning Code to create a noncontiguous Fringe Financial Service Restricted Use District prohibiting new fringe financial services, as defined, with certain exceptions; amending San Francisco Planning Code Section 312 to require certain notice in Neighborhood Commercial Districts; amending San Francisco Planning Code Section 227 to add Fringe Financial Service Use to the Commercial District Zoning Control Table; amending San Francisco Planning Code Sections 702.4, 703.2 and 710 through 730 to add Fringe Financial Service Use to the Neighborhood Commercial District Zoning Control Tables; adding Section 790.111 and 890.113 to the San Francisco Planning Code to define a Fringe Financial Service Use; amending San Francisco Planning Code Sections 790.110, 790.112, 890.110, and 890.112 to require that use applications for Financial Services and Limited Financial Services include a copy of any state-issued license; amending San Francisco Planning Code Sections 803.2, 810, 811, and 812 to add Fringe Financial Service Use to the Chinatown Zoning Control Tables; amending San Francisco Planning Code Sections 814 through 818 to add Fringe Financial Service Use to certain Zoning Control Tables in the South of Market area; amending San Francisco Planning Code Section 827 to add Fringe Financial Service Use to the Rincon Hill Downtown Residential Mixed Use District Zoning Control Table; amending Zoning Maps Numbers SU01, SU02, SU06, SU07, SU08, and SU10 of Zoning Map of the City and County of San Francisco to indicate the boundaries of the Fringe Financial Service Restricted Use District, and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

(5/23/07 - Economic Impact.)

FINALLY PASSED

Recommendations of the Rules Committee

070410 [San Francisco Bonding Program]

Supervisor Mirkarimi

Ordinance amending Chapter 30 of the San Francisco Administrative Code to add Article II thereto to create the San Francisco Bonding Program and to authorize the City to purchase bonds for employers who agree to hire hard-to-place employees.

FINALLY PASSED

071056 **[Centralization of Workforce Development Efforts Under the Department of Economic and Workforce Development]**

Supervisors Mirkarimi, Peskin, Ammiano, Maxwell

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 30, Sections 30.1 through 30.8, to: 1) centralize the City's workforce development policy and oversight under the Department of Economic and Workforce Development (DEWD), or successor department; 2) require the Director of Economic and Workforce Development to manage all general fund expenditures on workforce development, create City-wide workforce development policy, develop a Funding Allocation Plan for workforce development funds and annually report on workforce development policies to the Board of Supervisors; 3) require City departments to enter into Memoranda of Understanding with DEWD as a condition of administering workforce development dollars; 4) require the Mayor to submit the names of prospective appointees to the Local Work Force Investment Board to the Board of Supervisors for approval or to appoint two members of the Board of Supervisors to the Local Workforce Investment Board; 5) create a community advisory committee to the Local Workforce Investment Board; and, 6) require that the Workforce Investment Act Local Plan be submitted for review and comment to the Board of Supervisors, and by amending Administrative Code Section 83.6 to place the administration of the First Source Hiring Program under the DEWD.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

071333 **[Municipal Identification Cards]**

Supervisors Ammiano, Peskin, Dufty, Mirkarimi, Sandoval, McGoldrick, Daly

Ordinance adding Section 95.2 to the San Francisco Administrative Code authorizing the County Clerk to issue municipal identification cards upon request to residents of the City and County of San Francisco.

(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd

Recommendation of the Government Audit and Oversight Committee

071136 [Recreation and Park Department - Camping, Sleeping]
Mayor

Ordinance amending San Francisco Park Code Section 3.12 to prohibit cooking, and to prohibit modification of park landscape to create a shelter; and amending Section 3.13 to prohibit sleeping in any park from 8:00 p.m. to 8:00 a.m.

Refer matter to the Local Homeless Coordinating Board and schedule as soon as possible at GAO.

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Ordinance be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the Land Use and Economic Development Committee

070489 [Closing specified streets in Golden Gate Park on Saturdays]
Supervisor McGoldrick

Ordinance amending Section 6.13 of the San Francisco Park Code to prohibit motor vehicle traffic on Saturdays in Golden Gate Park on John F. Kennedy Drive between Transverse Drive and the western side of Hagiwara Tea Garden Drive and Stow Lake Drive between Stow Lake Drive East and John F. Kennedy Drive from the first Saturday in April to the last Saturday in September; requesting development of an improvement plan for Middle Drive West between Transverse Drive and Metson Road; and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

From the Rules Committee Without Recommendation

071222 [Amending Section 16.9-25 of the Administrative Code to prohibit managers from pursuing or engaging in romantic or sexual relationships with employees under their supervision]
Supervisor Daly

Ordinance amending Section 16.9-25 of the Administrative Code to prohibit managers from pursuing or engaging in romantic or sexual relationships with employees under their supervision.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to table this matter.
Motion to table this matter failed by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, McGoldrick
Noes: 6 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin, Sandoval

Supervisor Daly, seconded by Supervisor Ammiano, moved to continue this matter to December 11, 2007.
Motion to continue to December 11, 2007 failed by the following vote:
Ayes: 5 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin
Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, McGoldrick, Sandoval

NOT PASSED ON FIRST READING by the following vote:

Ayes: 1 - Daly
Noes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

071458 [Amendment to Contract for Electric Services]

Ordinance approving the amendment between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for the performance of duties and obligations of a Scheduling Coordinator pursuant to the California Independent System Operator Tariff and for the delivery of low cost electric power to Treasure Island and Yerba Buena Island on file with the Clerk of the Board of Supervisors in File No. 041351; and approving the City indemnifying and holding the United States harmless against claims arising from the activities of the City under the contract, and waiving the requirement of Section 21.19 of the San Francisco Administrative Code which requires that a City contract contain a statement of guaranteed maximum costs, and waiving the requirement of Section 21.35 of the San Francisco Administrative Code which requires that every contract contain a statement regarding liability of claimants for submitting false claims. (Public Utilities Commission)

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

071433 [Public Employment - Department of Public Health]
Supervisors Mirkarimi, Maxwell, Ammiano, Dufty

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) reflecting the addition of 12.90 positions in the Department of Public Health to support acute psychiatric beds at San Francisco General Hospital.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071461 [Approval of Lease No. GS-09B-02006 with the United States of America at San Francisco International Airport]

Resolution approving and authorizing the execution of Lease No. GS-09B-02006 with the United States of America for office space to be occupied by the Transportation Security Administration, a Federal agency, in the International Terminal of San Francisco International Airport. (Airport Commission)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

From the Budget and Finance Committee Without Recommendation

071533 [Issuance and Sale of Tax-Exempt Bonds - San Francisco Planning and Urban Research Association]
Supervisors Peskin, Dufty

Resolution approving the issuance and sale of tax-exempt bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed $7,000,000 to finance and refinance the acquisition and construction of capital facilities owned by San Francisco Planning and Urban Research Association or an affiliate.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

SPECIAL ORDER

Board of Supervisors Sitting as a Committee of the Whole

071488 [Hearing and public comment relating to considerations of applicants for and appointment of outside Legal Counsel to advise and represent the Board of Supervisors in the official misconduct proceedings against Supervisor Edmund Jew]

Hearing to allow all applicants to present their qualifications and allow members of the public to comment on applications submitted for providing services to the Board of Supervisors for the official misconduct proceedings against Supervisor Edmund Jew; possible selection by the Board of Supervisors for outside Legal Counsel for said proceedings. (Clerk of the Board)

The President inquired as to whether any member wished to address the Board members.
Male speaker
Richard Robinson
Male speaker
The President declared the public hearing closed.

Continued to December 4, 2007.

Supervisor Sandoval, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

071543 [Local support for street resurfacing projects to be funded by FY 2007-08 Proposition 1B State Infrastructure Bond funds from the Local Streets and Roads Account]
Mayor

Resolution authorizing local support for the street resurfacing projects to be funded by FY 2007-08 Proposition 1B State Infrastructure Bond funds from the Local Streets and Roads Account.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

071218 [Charter Amendment - San Francisco Affordable Housing Fund and Public Accountability]
Supervisors Daly, Ammiano, Mirkarimi

Charter amendment (First Draft) to add Section 16.127 to: establish a baseline appropriation and set aside the equivalent of the available annual tax of two and one-half cents ($0.025) on each one hundred dollars ($100) of assessed property tax valuation for the next fifteen (15) years to support affordable housing programs; require the Mayor's Office of Housing, in cooperation with the Department of Public Health and Department of Human Services, to prepare an affordable housing plan every three (3) years and an annual affordable housing budget; affirm City policy urging the Redevelopment Agency to use at least fifty percent (50%) of its tax increment funds for low and moderate income housing; and set an expiration date of July 1, 2024.

Continued as amended to December 4, 2007 with the Board Sitting as Committee of the Whole at 3:00 p.m.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071451 [Authorization for City to enter into Memorandum of Understanding with other Bay Area cities and counties to govern expenditure of Federal Homeland Security Funds]
Supervisor Alioto-Pier

Resolution authorizing City and County officials to enter into a Memorandum of Understanding that (1) establishes procedures for application, allocation and distribution of Federal Urban Areas Security Initiative Program grant funds for fiscal year 2007 and future fiscal years, (2) continues an Urban Area Working Group with other Bay Area governmental entities, and (3) continues San Francisco as the primary grantee and fiscal agent for Urban Areas Security Initiative Program grant funds; further authorizing designated City and County officials to negotiate, execute and file on behalf of the City and County of San Francisco any and all agreements and documents and to take any other action necessary to apply for and receive grant funds under the Federal Urban Areas Security Initiatives Program.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the homeless and wished a Happy Thanksgiving to the Board members
James Chaffee; expressed concern with issues relating to the SF Public Library
Male speaker; expressed concern with issues relating to City officials sin
Male speaker; expressed concern issues with relating to skate board issues and not be allowed to bring his skate board to City Hall
Female speaker from SEIU; submitted a petition relating to increase the retirement benefits for miscellaneous City employees
Slyvia Alvarez-Lynch; showed interest in increasing retirement benefits for miscellaneous City employees
Richard Robinson; expressed concern issues relating to general issues
Male speaker; expressed concern with issues relating to the homeless

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

CLOSED SESSION

071555 [Closed Session - Conference with the City's Human Resources Director]

Motion that the Board of Supervisors convene in closed session with the City's Human Resources Director, or her designated representative, pursuant to Government Code section 54957.6 and San Francisco Administrative Code section 67.10(e) regarding a potential charter amendment to address the cost and funding of retiree medical benefits.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to convene in closed session. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

The Board recessed at the hour of 3:38 p.m. to convene in closed session pursuant to the above motion.

Calling the Roll

The following Supervisors were noted present:
Alioto- Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Persons in attendance:
Cheryl Adams, Deputy City Attorney
Ed Harrington, Controller
Monique Zmuda, Deputy Controller
Micki Callahan, Director Human Resources
Stever Ponder; Department of Human Resources
Clare Murphy, Executive Director SF Employees Retirement
Caryn Bortnick, Deputy City Attorney
Reconvening of the Board

The Board at the hour of 4:18 p.m. reconvened.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Supervisor Mirkarimi was noted absent at 3:34 p.m

071566 **[Approval of an additional 120 day extension for Planning Commission review in order to allow for a Recreation and Parks Commission Hearing and to complete an addendum to an associated environmental impact report]**

Supervisor Mirkarimi

Resolution extending by an additional 120 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Sectional Map 2 of the Zoning Map of the City and County of San Francisco to a date within two weeks of the environmental review hearing for the same action. The proposed Ordinance would specifically change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets, from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

071569 [Joanne Pang Foundation]
Supervisor Elsbernd

Resolution commending The Joanne Pang Foundation for its fundraising campaign to create the first Northern California Umbilical Cord Blood Bank.

ADOPTED

071570 [Honoring Marcus Garvey]
Supervisor Mirkarimi

Resolution urging the Department of Public Works to Honor Marcus Garvey by Renaming Eddy Street Between Laguna and Divisadero "Marcus Garvey Way" and Proclaiming August 17th Marcus Garvey Day in San Francisco.

ADOPTED

071571 [Landmark Designation Nomination for Tree Located at 1245 Masonic Avenue]
Supervisors Mirkarimi, Peskin

Resolution of intent initiating the nomination of the Black Acacia Tree at 1245 Masonic Avenue for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging the temporary designation of such tree pursuant to Public Works Code Section 810(d), and authorizing other official acts in furtherance of this Resolution.

ADOPTED

071573 [Urging the Federal Government to impose stricter regulations on international ship traffic and supporting the Marine Vessel Emissions Reduction Act of 2007]
Supervisor Sandoval

Resolution urging the Federal Government to impose stricter regulations on international ship traffic and supporting the Marine Vessel Emissions Reduction Act of 2007.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

Severed from the Without Reference to Committee

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

071572 **[Urging the Port of San Francisco to prohibit any vessels that uses heavy bunker oil from docking on Port property]**
Supervisor Sandoval

Resolution urging the Port of San Francisco to prohibit any vessel that uses heavy bunker oil from docking on Port property.

REFERRED.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Elsbernd, seconded by Supervisor Chu, moved ADOPTION of the Serious Injury finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor Chu, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

071584 **[Public Safety Interoperable Communications (PSIC) Grant]**
Supervisor Elsbernd

Resolution authorizing designated City and County officials to execute and file on behalf of San Francisco, a public entity established under the laws of the State of California, any documents or take any actions necessary of obtain federal financial assistance provided by the U.S. Department of Commerce and the U.S. Department of Homeland Security and subgranted through the State of California under the Fiscal Year 2007 Public Safety Interoperable Communications (PSIC) Grant; and authorizing designated City and County officials to enter into a Memorandum of Understanding with subrecipient jurisdictions (as enumerated by the Urban Areas Security Initiative Working Group) to distribute grant funds received; and authorizing the Department of Emergency Management to continue acting as primary fiscal agent for the distribution of the PSIC grant funds.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved ADOPTION of the Purely Commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

071582 [Declaring December 3, 2007 as Anita Fadeeff day in the City and County of San Francisco]
Supervisor Sandoval

Resolution honoring Anita Fadeeff on the occasion of her one hundredth birthday and declaring December 3, 2007 as Anita Fadeeff Day in the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Sandoval, moved ADOPTION of the Purely Commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Sandoval, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

071583 **[Commending the US Women's Bridge Team winners of the Venice Cup and welcoming the American Contract Bridge league to San Francisco for their 2007 National Tournament]**
Supervisors Ammiano, Dufty, Mirkarimi, Daly, McGoldrick

Resolution welcoming the American Contract Bridge League to San Francisco for the National Tournament and Commending the US Women's Team winners of the Venice Cup.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

071544 **[Landmark Designation of 1601 Larkin Street (the First St. John's United Methodist Church)]**

Ordinance Designating 1601 Larkin Street, the First St. John's United Methodist Church, (Assessor's Block Number 0620, Lot Number 006), a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Commission)

11/6/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

071551 **[Approving Agreement to Implement and Term Sheet between the San Francisco Public Utilities Commission and Modesto Irrigation District for a Long Term Power Sales Agreement pursuant to Charter Section 9.118(a) with a term through June 30, 2015]**

Resolution approving Agreement to Implement and Term Sheet between the City and County of San Francisco, acting by and through its Public Utilities Commission, and the Modesto Irrigation District and authorizing the General Manager to implement the Term Sheet by incorporating the terms thereof into a new Long Term Power Sales Agreement and executing the same. (Public Utilities Commission)

11/9/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071552 **[Approving Water System Improvement Program (WSIP) Agreement]**

Resolution approving Amendment No. 1 to Agreement No. CS-765 of the San Francisco Water System Improvement Program (WSIP) – Program/Project/Pre-Construction Management Services with Parsons Water and Infrastructure. (Public Utilities Commission)

11/9/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071553 **[Authorizing Tax Collector Attorney to file suit against responsible relative of recipient of services at City hospitals to recover value of services]**

Resolution authorizing Tax Collector Attorney to file suit against responsible relative to recover value of services rendered at hospital facilities operated by the San Francisco Department of Public Health. (Treasurer-Tax Collector)

11/9/07, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at 4:19 pm.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, December 4, 2007 2:00 PM

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Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll Supervisor McGoldrick was noted absent.

There was a quorum present.

Supervisor McGoldrick was excused from attending today's meeting.

Supervisor McGoldrick Excused from Attendance

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to excuse Supervisor McGoldrick from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to approve the November 6, 2007 and November 13, 2007 Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Privilege of the Floor

Supervisor Sandoval, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the Mayor of San Salvador. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

071433 [Public Employment - Department of Public Health]
Supervisors Mirkarimi, Maxwell, Ammiano, Dufty

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) reflecting the addition of 12.90 positions in the Department of Public Health to support acute psychiatric beds at San Francisco General Hospital.

(Fiscal Impact.)

FINALLY PASSED

Recommendations of the Rules Committee

071417 [Settlement of Lawsuit - CCSF v. Michael Levine and What Do We Do? Inc.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Michael Levine and What Do We Do? Inc. for $30,000; the lawsuit was filed on May 26, 2006 in San Francisco Superior Court, Case No. 452-470; entitled City and County of San Francisco, et al., v. Michael Levine, et al.; other material terms of said settlement are that Judgment is to be entered against Michael Levine personally in the amount of $30,000, that payment of $15,000 is to be made at the time of finalization of the settlement of this matter, that the remaining payment of $15,000 is to be in monthly installments over a period of 18 months, and if any payment is late, the entire amount is immediately due, payable and collectible. (City Attorney)

PASSED, ON FIRST READING

071459 [Settlement of Lawsuit - Pacific Gas and Electric Company]

Ordinance authorizing settlement of the lawsuit filed by Pacific Gas & Electric ("PG&E") against the City and County of San Francisco for $10,000; the lawsuit entitled Pacific Gas and Electric Company v. City and County of San Francisco, et al., Case No. RG-05-246128, was filed on December 9, 2005 in Alameda County Superior Court; other material terms of said settlement are set forth in the Stipulated Judgment and Final Order of Condemnation (and exhibits thereto), contained in Board of Supervisors File No. 071459. (City Attorney)

PASSED, ON FIRST READING

071513 [Settlement of City's Lawsuit Against Dynegy, Inc., Dynegy Marketing and Trade and West Coast Power LLC]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $480,000 to the City from defendants Dynegy, Inc. and its affiliates Dynegy Marketing and Trade and West Coast Power LLC. (City Attorney)

PASSED, ON FIRST READING

071480 **[Re-Appointment - Local Homeless Coordinating Board]**

Resolution re-appointing Christine Ma, M.D., for a term to be determined, to the Local Homeless Coordinating Board, residency requirement waived. (Controller)

ADOPTED

071548 **[Appointment - In-Home Supportive Services Public Authority]**

Resolution appointing Gustavo Serina, term ending March 1, 2009, to the In-Home Supportive Services Public Authority.

Gustavo Serina, succeeding Anita Aaron, resigned, seat 7, must be a member of the Commission on the Aging, recommended to the Board by the Commission, for the unexpired portion of a three-year term ending March 1, 2009.

ADOPTED

071483 **[Settlement of Grievance - Service Employees International Union, AFL-CIO, Local 790 ("Union")]**

Resolution approving the settlement of the grievance (ERD No. 81-06-1465) filed by Service Employees International Union, AFL-CIO, Local 790 ("Union") on behalf of Grievant Victoria Sargent against the City and County of San Francisco for $133,751.52. Other material terms of said settlement is that Grievant and Union shall release all claims relating to Grievant's employment with the City and that Grievant shall be restricted from any future employment with the City. (City Attorney)

ADOPTED

071549 **[Appointment - Western SoMa Citizens' Planning Task Force]**

Resolution appointing Dennis Juarez, term ending June 30, 2008, to the Western SoMa Citizens' Planning Task Force, residency requirement waived.

Dennis Juarez (residency requirement waived), succeeding Terrance Alan, resigned, seat 10, must represent the entertainment industry, for the unexpired portion of a term ending June 30, 2008.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

071574 **[Adopting findings related to disapproving the Categorical Exemption issued for the 376 Eureka Street project]**

Motion adopting findings related to disapproving the determination by the Planning Department that the 376 Eureka Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to December 11, 2007

Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendation of the Budget & Finance Committee

071458 **[Amendment to Contract for Electric Services]**

Ordinance approving the amendment between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for the performance of duties and obligations of a Scheduling Coordinator pursuant to the California Independent System Operator Tariff and for the delivery of low cost electric power to Treasure Island and Yerba Buena Island on file with the Clerk of the Board of Supervisors in File No. 041351; and approving the City indemnifying and holding the United States harmless against claims arising from the activities of the City under the contract, and waiving the requirement of Section 21.19 of the San Francisco Administrative Code which requires that a City contract contain a statement of guaranteed maximum costs, and waiving the requirement of Section 21.35 of the San Francisco Administrative Code which requires that every contract contain a statement regarding liability of claimants for submitting false claims. (Public Utilities Commission)

(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - McGoldrick

NEW BUSINESS

Recommendation of the Government Audit and Oversight Committee

071541 **[Appropriating $8,890,628, of additional Proposition 1B State Funds revenue for street resurfacing projects in the Department of Public Works for Fiscal Year 2007-2008]**

Mayor, Supervisor Elsbernd

Ordinance appropriating $8,890,628 of additional Proposition 1B State Funds for street resurfacing projects in the Department of Public Works for Fiscal Year 2007-2008. The department will use the accelerated appropriations of bond funds from the state to fund projects for which design money has already been appropriated and were included in the City's FY 2008-09 capital program.

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the Land Use and Economic Development Committee

071215 [Initiate the designation of the Metro Theater, 2055 Union Street as a Landmark]
Supervisor Alioto-Pier

Resolution initiating designation of the Metro Theater, 2055 Union Street, located on the south side of Union Street, encompassing all of Lot 018 in Block 541, as a Landmark pursuant to Section 1004.1 of the San Francisco Planning Code.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

071303 [CalHome Application]
Mayor

Resolution authorizing the Mayor's Office of Housing to accept and expend $1,000,000 from the California Department of Housing and Community Development and to execute any related documents necessary to participate in the CalHome Program.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the Rules Committee

Supervisor Chu Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Chu from voting on File Nos. 071535 and 071645. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Chu, McGoldrick

071535 [Appointment - Urban Counties Caucus]
Supervisor Peskin

Resolution appointing Supervisor Carmen Chu, term ending December 31, 2008 to the Urban Counties Caucus.

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Chu, McGoldrick

071546 [Appointment - California State Association of Counties]
Resolution appointing Supervisor Carmen Chu, term ending November 28, 2008, as an alternate member to the California State Association of Counties Board of Directors.

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Chu, McGoldrick

071547 **[Appointment - California State Association of Counties]**

Resolution appointing Supervisor Jake McGoldrick, term ending November 28, 2008, to the California State Association of Counties Board of Directors.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

From the Rules Committee Without Recommendation

Supervisor Chu Excused From Voting

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to excuse Supervisor Chu from voting on this matter due to a possible conflict of interest. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Chu, McGoldrick

071538 **[Imposing a suppression order upon the Board of Supervisors]**

Supervisor Sandoval

Motion self-imposing a suppression order upon members of the Board of Supervisors and its staff after the Ethics Commission has forwarded to the Board a recommendation in the official misconduct proceedings against Supervisor Edmund Jew.

Continued to January 8, 2008

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Chu, McGoldrick

Board of Supervisors Sitting as a Committee of the Whole

071488 **[Public hearing relating to consideration and possible selection for outside Legal Counsel to advise and represent the Board of Supervisors in the official misconduct proceedings against Supervisor Edmund Jew]**

Hearing to allow applicants to present their qualifications and allow members of the public to comment on applications submitted for providing services to the Board of Supervisors for the official misconduct proceedings against Supervisor Edmund Jew; possible selection by the Board of Supervisors, from one of the following two applicants, for outside Legal Counsel for said official misconduct proceedings.

(NOTE: The Board may move to select one of the following applicants for Outside Legal Counsel for the official misconduct proceedings.)

Garcia Calderon Ruiz, LLP
Robert Weisberg, Professor of Law

The President inquired as whether any member of the public wished to address the Board members.
Members of the Garcia Calderon Ruiz, LLP
Mary Hernandez, Attorney at Law
George Yin, Attorney at Law
Nicolas Vaca, Attorney at Law

Robert Weisberg, Professor of Law
The President declared the Public hearing closed.

Supervisor Sandoval, seconded by Supervisor Ammiano, moved to direct the Clerk of the Board to enter into an agreement with Robert Weisberg, Professor of Law, to provide services as the outside legal counsel for the official misconduct proceedings against Supervisor Edmund Jew.
HEARD AT PUBLIC HEARING.

Board of Supervisors Sitting as a Committee of the Whole

071588 **[Hearing at the Full Board on the response to the November 7, 2007 oil spill in the San Francisco Bay]**
Supervisor Alioto-Pier

Hearing to examine the response of the various agencies involved in the response to the oil spill, including the Coast Guard and the Golden Gate National Recreation area, and their coordination with City agencies, including the Department of Emergency Management. The hearing will further examine how response decisions were made and communicated to the relevant parties.

The President inquired as whether any member of the public wished to address the Board members.
Continued to January 29, 2008

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

071218 [Charter Amendment - San Francisco Affordable Housing Fund and Public Accountability]
Supervisors Daly, Ammiano, Mirkarimi

Charter amendment (Second Draft) to add Section 16.127 to: establish a baseline appropriation and set aside the equivalent of the available annual tax of two and one-half cents ($0.025) on each one hundred dollars ($100) of assessed property tax valuation for the next fifteen (15) years to support affordable housing programs; require the Mayor's Office of Housing, in cooperation with the Department of Public Health and Department of Human Services, to prepare an affordable housing plan every three (3) years and an annual affordable housing budget; affirm City policy urging the Redevelopment Agency to use at least fifty percent (50%) of its tax increment funds for low and moderate income housing; and set an expiration date of July 1, 2024.

The President inquired as to whether any member of the public wished to address the Board members.
Connie Ford; support of the affordable housing Charter amendment
Female speaker; support of the affordable housing Charter amendment
Coleman Advocate Representatives; support of the affordable housing Charter amendment
Rosario Rameriz; support of the affordable housing Charter amendment
Tanya Hines; support of the affordable housing Charter amendment
Marista Pacheco; support of the affordable housing Charter amendment
Abdullah Megahed; support of the affordable housing Charter amendment
Ed Donaldson; support of the affordable housing Charter amendment
Randy Shaw; support of the affordable housing Charter amendment
Keith Kim; support of the affordable housing Charter amendment
Male speaker; support of the affordable housing Charter amendment
Reverend Norman Yee; support of the affordable housing Charter amendment
Tao Wong; support of the affordable housing Charter amendment
Yu Pie Yuo; support of the affordable housing Charter amendment
Cindy Wu; support of the affordable housing Charter amendment
Bruce Ellison; support of the affordable housing Charter amendment
Miquel Carrera; support of the affordable housing Charter amendment
David Schnur; support of the affordable housing Charter amendment
Elizabeth Heuson; support of the affordable housing Charter amendment
Male speaker; support of the affordable housing Charter amendment
Jesus Perez; support of the affordable housing Charter amendment
Hillary Klein; support of the affordable housing Charter amendment
Debbie Lerman; support of the affordable housing Charter amendment
Aldo Sanchez; support of the affordable housing Charter amendment
Lindsay Parkinson; support of the affordable housing Charter amendment
Belinda Bellinger; support of the affordable housing Charter amendment
Luciana, Youth Commissioner; support of the affordable housing Charter amendment
Eric Apparelle; support of the affordable housing Charter amendment
Homo Chan; support of the affordable housing Charter amendment
Eric Quasada; support of the affordable housing Charter amendment
Jose Cisneros; support of the affordable housing Charter amendment
Ernie Fiscal; support of the affordable housing Charter amendment
Emma Gonzalez; support of the affordable housing Charter amendment
Chelsea Ballard; support of the affordable housing Charter amendment
Emily Pasqual; support of the affordable housing Charter amendment
Youth Organizer Director, Coleman Advocates; support of the affordable housing Charter amendment
Mr. Win; support of the affordable housing Charter amendment
Sandra Fuller; support of the affordable housing Charter amendment
Jorge Portillo; support of the affordable housing Charter amendment
Megan Minihan; support of the affordable housing Charter amendment
Jeremiah; support of the affordable housing Charter amendment
Jamie Mancini, support of the affordable housing Charter amendment
Shirley Burley; support of the affordable housing Charter amendment

Bobby; support of the affordable housing Charter amendment
James Keyes; support of the affordable housing Charter amendment
Michael Lyon; support of the affordable housing Charter amendment
Jane Martin; support of the affordable housing Charter amendment
Sharon Dodge; support of the affordable housing Charter amendment
Blanca Matisa; support of the affordable housing Charter amendment
Andrew Woods; support of the affordable housing Charter amendment
Priscilla; support of the affordable housing Charter amendment
Jennifer Freidenbach; support of the affordable housing Charter amendment
Gerund Brown; support of the affordable housing Charter amendment
Joe; support of the affordable housing Charter amendment
Judith; support of the affordable housing Charter amendment
Leslie; support of the affordable housing Charter amendment
Carmen; support of the affordable housing Charter amendment
Jazzie Collins; support of the affordable housing Charter amendment
Laura Guzman; support of the affordable housing Charter amendment
Representative, St. Peters Housing; support of the affordable housing Charter amendment
Sarah Short; support of the affordable housing Charter amendment
Female speaker; support of the affordable housing Charter amendment
Jennifer; support of the affordable housing Charter amendment
Balboa student; support of the affordable housing Charter amendment
Jennifer; support of the affordable housing Charter amendment
B. Cook; support of the affordable housing Charter amendment
Male speaker; support of the affordable housing Charter amendment
Male speaker; support of the affordable housing Charter amendment
Natal Armitied; support of the affordable housing Charter amendment
Maria; support of the affordable housing Charter amendment
Veronica Martinez; support of the affordable housing Charter amendment
Kimberly; support of the affordable housing Charter amendment
Joseph Smooke support of the affordable housing Charter amendment
Rene Casanov; support of the affordable housing Charter amendment
Otto Duffy; support of the affordable housing Charter amendment
Judy Ledbetter; support of the affordable housing Charter amendment
Chris Durazo; support of the affordable housing Charter amendment
Edmond; support of the affordable housing Charter amendment

Continued to December 11, 2007 with the Board Sitting as a Committee of the Whole.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to continue this matter to December 11, 2007 with the Board Sitting as a Committee of the Whole.
Motion passed without objection.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Sandoval, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Sandoval introduced, welcomed and presented a Certificate of Honor to Anita Fadeef in recognition of her 100th Birthday celebration.

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Virgina Harmon, in recognition of her service as the Director of the Human Rights Commission.

Supervisor Alioto-Pier was noted absent at 5:40 p.m.

SPECIAL ORDER 4:00 P.M.

071265 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 2721 Pierce Street]**
Hearing of persons interested in or objecting to the decision of the Planning Department dated April 19, 2007, Case No. 2006.1415D, (Building Permit Application No. 2006.07.03.5586) is exempt from environmental review under Categorical Exemption, [State CEQA Guidelines, Section 15301 Class 1]. The proposal consists of adding two windows on the facade, removing a rear sun porch and adding a two-story rear addition at 2721 Pierce Street, Lot 006 in Assessor's Block 0560. (Appellants: Susan Brandt-Hawley on behalf of Judge Carlos Bea and Louise Bea)

(Filed August 31, 2007; Companion Files to 071266, 071267, 071268; District 2.)

The President inquired as to whether any member of the public wished to address the Board members. Continued to February 26, 2008.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

071266 **[Affirming the Categorical Exemption issued for 2721 Pierce Street]**

Motion affirming the determination by the Planning Department that the 2721 Pierce Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to February 26, 2008.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

071267 **[Disapproving the Categorical Exemption issued for 2721 Pierce Street]**

Motion disapproving the determination by the Planning Department that the 2721 Pierce Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to February 26, 2008.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

071268 **[Preparation of findings related to the 2721 Pierce Street Project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 2721 Pierce Street is exempt from environmental review under the California Environmental Quality Act.

Continued to February 26, 2008.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

SPECIAL ORDER 4:00 P.M.

070910 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

The President inquired as to whether any member of the public wished to address the Board members.
Continued to January 8, 2008

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070911 [Affirming the Categorical Exemption issued for the 3424 Jackson Street project]

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 8, 2008

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

070912 **[Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 8, 2008

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

070913 **[Preparation of findings related to the 3424 Jackson Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 8, 2008

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

COMMITTEE REPORTS

071523 **[Accept-Expend Federal Pass Through Grant - Department of Emergency Management, Division of Emergency Services]**

Supervisor Elsbernd

Resolution authorizing the Department of Emergency Management, Division of Emergency Services, to accept and expend a Federal pass through grant in the amount of $1,723,887 from the Governor's Office of Homeland Security for three grant programs: the State Homeland Security Program (SHSP), the Law Enforcement Terrorism Prevention Program (LETPP), and the Metropolitan Medical Response System (MMRS).

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

071597 [Accept and Expend FY 07 Community Oriented Policing Services Grant and Amend Annual Salary Ordinance, FY 2007-2008]
Supervisor Elsbernd

Ordinance authorizing the Department of Emergency Management, as fiscal agent for multiple local jurisdictions, to retroactively accept and expend a Community Oriented Policing Services (COPS) grant in the amount of $5,733,986 from the United States Department of Justice and to provide $406,002 as San Francisco's portion of required matching funds; and amending Ordinance No. 175-07 (Annual Salary Ordinance, FY 2007-2008) to reflect the addition of one position (0.75 FTE) IS Project Director in the Department of Emergency Management (ECD).

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

070678 [Planning - institutional master plan review for medical institutions]
Supervisors Maxwell, Ammiano, Alioto-Pier, Sandoval, McGoldrick

Ordinance amending Planning Code Section 304.5, Institutional Master Plans, to require a qualified health planner retained by the Department of Public Health to analyze the relationship between the City's long-term health care needs and facility planning for medical institutions as part of the Institutional Master Plan and revisions process; clarifying and updating the Institutional Master Plan process through minor changes to generally applicable institutional master plan requirements, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megahed; expressed concern with issues relating to health care for the homeless
Male speaker; expressed concern with issues relating to Falon Gung not being allowed to participate in the Chinese Parade
Male speaker; expressed concern with issues relating to Falon Gung not being allowed to participate in the Chinese Parade
James Chaffee; expressed concern with issues relating to the SF Public Library
Eugene Gordon, Jr.; expressed concern with issues relating to the violations of human rights
Peter Warfield; expressed concern with issues relating to the fines and fees to be proposed by the SF Library
John di Donna; expressed concern with issues relating to the violation of the freedom of speech
Bruce Ellison; expressed concern with issues relating to senior housing
Richard Robinson; expressed concern with issues relating to cooking oil
Francisco da Costa; expressed concern with issues relating to the oil spill on the bay and the way in which it was handled by City agencies
Tom Pickerello; showed support for the Project Connect program
Male speaker; expressed concern with issues relating to transportation

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

071587 **[Legislative Analyst Report - J Power USA]**
Supervisor Alioto-Pier

Motion requesting the Legislative Analyst research on J Power USA and its parent company, J Power.

APPROVED by the following vote:

Ayes: 7 - Ammiano, Chu, Daly, Dufty, Elsbernd, Mirkarimi, Sandoval
Noes: 2 - Maxwell, Peskin
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

071600 [Commending the Neighborhood Emergency Response Team (NERT) Training Program]
Supervisors Chu, Alioto-Pier, Dufty

Resolution commending the San Francisco Neighborhood Emergency Response Team (NERT) Training Program for their efforts in the Cosco Busan oil spill clean-up.

ADOPTED

071601 [Commending the Red Cross, Bay Area Chapter]
Supervisors Chu, Alioto-Pier, Dufty

Resolution commending the Red Cross, Bay Area Chapter for their efforts in the Cosco Busan oil spill clean-up.

ADOPTED

071602 [Commending SF Connect]
Supervisors Chu, Alioto-Pier, Dufty

Resolution commending SF Connect for their efforts in the Cosco Busan oil spill clean-up.

ADOPTED

071603 [Commending The Volunteer Center]
Supervisors Chu, Alioto-Pier, Dufty

Resolution commending the Volunteer Center for their efforts in the Cosco Busan oil spill clean-up.

ADOPTED

071604 [Biodiesel Filling Station Permitting, Policies and Creation Extension of Biodiesel Access Taskforce]
Supervisor McGoldrick

Resolution extending the Biodiesel Access Taskforce to continue developing and recommending to the appropriate City departments, including the Board of Supervisors and Mayor, a permitting process for biodiesel filling stations and incentives for such stations to be located in the City; urging the San Francisco Unified School District to pursue the use of biodiesel blends in school buses; establishing a City policy to request biodiesel usage in City contracts involving diesel fleets.

ADOPTED

071605 **[Urging the Department of Public Works to immediately assemble a working group to develop a "Citizens How To Kit" assisting citizens in determining their options to help underground their neighborhood]**

Supervisors Dufty, Alioto-Pier

Resolution urging the Department of Public Works to immediately assemble a working group to develop a "Citizens How To Underground Kit" providing citizens with advice and information on their options to help underground their neighborhood.

ADOPTED

071606 **[2008 Board of Supervisors Meeting Schedule]**

Motion revising the regular meeting schedule of the Board of Supervisors by canceling the January 22, 2008, February 19, 2008, May 27, 2008, July 1, 2008, September 30, 2008, October 14, 2008, November 11, 2008, December 2, 2008, December 23, 2008 and December 30, 2008 meetings and by canceling all Board and Committee meetings from August 13 through September 2, 2008. (Clerk of the Board)

APPROVED

071492 **[Final Map - 2443 - 2445 Clement Street]**

Motion approving Final Map 4495, a 9 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 2443 – 2445 Clement Street being a subdivision of Lot 050 in Assessors Block No. 1457 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,223; District 1)

APPROVED

071498 **[Final Map - 84 Vandewater Street]**

Motion approving Final Map 4276, a 5 Unit Residential Condominium Project, located at 84 Vandewater Street being a subdivision of Lot 023 in Assessors Block No. 0041 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,262; District 3)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

Severed From the Without to Committee Reference

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

071599 **[Committee of the Whole - December 4, 2007 regarding the November 7, 2007 Oil Spill]**
Supervisor Alioto-Pier

Motion scheduling the Board to sit as a Committee of the Whole to review the City's response to the oil spill, to be held on December 4, 2007.

Amended by replacing the date of "December 4, 2007" with "January 29, 2008."

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Continued to January 29, 2008

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Elsbernd, seconded by Supervisor Chu, moved ADOPTION of the Serious Injury Finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor Chu, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

071622 [Accept-Expend State Grant - SF Port Commission]

Supervisor Peskin

Resolution authorizing the San Francisco Port Commission to accept and expend $1,900,000 in Carl Moyer Program grant funds from the Bay Area Air Quality Management District to fund the construction of a shoreside power facility for cruise ships at Pier 27 and authorizing the Executive Director of the Port to immediately execute any documents required for the implementation of this grant, including any letters of intent, amendments, augmentations or extensions thereof.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved ADOPTION of the Purely Commendatory Finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

071620 [Commendation for Ashley Wheater]
Supervisor Maxwell

Resolution commending San Francisco Ballet Master, Ashley Wheater and proclaiming December 10, 2007 Ashley Wheater day in San Francisco.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved ADOPTION of the Purely Commendatory Finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

071621 [Commending Rainbow World Fund and the Tree of Hope Project]
Supervisor Sandoval

Resolution commending Rainbow World Fund and their work through the Tree of Hope project to encourage peace, love and humanitarianism for San Franciscans and people all over the world.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved ADOPTION of the Purely Commendatory Finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

071623 [Commending the SHARE Foundation on the occasion of its 25th Anniversary]

Supervisor Sandoval

Resolution commending San Salvador Mayor Violeta Menjivar and the SHARE Foundation on the occasion of the foundation's 25th Anniversary.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

071575 [Settlement of Lawsuit - Trustees of The J. David Gladstone Institutes, et al., v. CCSF]

Ordinance authorizing settlement of the lawsuit filed by Trustees of The J. David Gladstone Institutes against the City and County of San Francisco for the payment of $420,000 to the City and County of San Francisco; the lawsuit was filed on February 13, 2007 in San Francisco Superior Court, Case No. 460-409; entitled Trustees of The J. David Gladstone Institutes, et al., v. City and County of San Francisco, et al; other material terms of the settlement are that the Lease will be amended to terminate The J. David Gladstone Institutes as a tenant of San Francisco General Hospital Building 40. (City Attorney)

11/16/07, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 6:32 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, December 11, 2007 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Chu	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

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First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum present.

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

071516 **[Grant to support the Healthcare Facilities Partnership Program through the San Francisco Department of Public Health]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH), to retroactively accept and expend a grant in the amount of $787,659 from the Department of Health and Human Services, Public Health Service, for year 1 of the Healthcare Facilities Partnership Program, for the period of September 1, 2007, through August 8, 2008.

ADOPTED

071517 **[Grant to support the SF Child Injury Prevention Program]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH), to retroactively accept and expend funds from the Kids' Plates Program, San Diego State University Research Foundation in the amount of $54,000 in support of SF Child Injury Prevention Program, for the period of October 1, 2007 through June 30, 2008.

ADOPTED

071524 **[Retroactive Accept - Expend State Grant - Department of the Environment]**
Supervisor Maxwell

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of $11,175 from the California Integrated Waste Management Board for the purpose of increasing proper disposal of Household Hazardous Waste and supporting San Francisco's involvement in the California Product Stewardship Council.

ADOPTED

071525 [Accept-Expend State Grant - Department of the Environment]
Supervisor Maxwell

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $11,002 from the California Integrated Waste Management Board for the purpose of increasing proper disposal of Household Hazardous Waste and supporting San Francisco's involvement in the California Product Stewardship Council.

ADOPTED

071527 [Accept-Expend Federal Grants - Municipal Transportation Agency]
Supervisor Mirkarimi

Resolution authorizing the Municipal Transportation Agency to accept and expend a grant in the amount of $478,000 from 2006 Regional Transportation Improvement funds for the Transportation for Livable Communities - Inner Sunset Traffic Calming and Transit Enhancements Project.

ADOPTED

071537 [Grant of Regional Funds.- San Francisco Municipal Transportation Agency]
Supervisor Sandoval

Resolution authorizing the San Francisco Municipal Transportation Agency to accept and expend $200,000 of Regional Measure 2 - Safe Routes to Transit funding to conduct a study analyzing how to improve traffic patterns on the southern side of the Balboa Park BART station.

ADOPTED

071562 [Accept-Expend California Department of Parks and Recreation Grant]
Supervisor Chu

Resolution authorizing San Francisco Arts Commission (SFAC) to accept and expend a grant in the amount of $36,000 from the California Department of Parks and Recreation for restoration of the Portals of the Past monument in Golden Gate Park.

ADOPTED

071563 [Accept-Expend State Grant - Sheriff's Department]
Supervisor Dufty

Resolution authorizing the Sheriff's Department of the City and County of San Francisco to apply for, accept and expend $377,895 in funds from the Corrections Standards Authority for the standards and training of local corrections and probation officers programs; stipulating adherence to standards for recruitment and training established by the Corrections Standards Authority, waiving any indirect costs.

ADOPTED

Recommendation of the Government Audit and Oversight Committee

071541 [Appropriating $8,890,628, of additional Proposition 1B State Funds revenue for street resurfacing projects in the Department of Public Works for Fiscal Year 2007-2008]
Mayor, Supervisor Elsbernd

Ordinance appropriating $8,890,628 of additional Proposition 1B State Funds for street resurfacing projects in the Department of Public Works for Fiscal Year 2007-2008. The department will use the accelerated appropriations of bond funds from the state to fund projects for which design money has already been appropriated and were included in the City's FY 2008-09 capital program.

FINALLY PASSED

Recommendations of the Public Safety Committee

071597 [Accept-Expend FY 07 Community Oriented Policing Services Grant and Amend Annual Salary Ordinance, FY 2007-2008]
Supervisor Elsbernd

Ordinance authorizing the Department of Emergency Management, as fiscal agent for multiple local jurisdictions, to retroactively accept and expend a Community Oriented Policing Services (COPS) grant in the amount of $5,733,986 from the United States Department of Justice and to provide $406,002 as San Francisco's portion of required matching funds; and amending Ordinance No. 175-07 (Annual Salary Ordinance, FY 2007-2008) to reflect the addition of one position (0.75 FTE) IS Project Director in the Department of Emergency Management (ECD).

FINALLY PASSED

070678 [Planning - institutional master plan review for medical institutions]
Supervisors Maxwell, Ammiano, Alioto-Pier, Sandoval, McGoldrick

Ordinance amending Planning Code Section 304.5, Institutional Master Plans, to require a qualified health planner retained by the Department of Public Health to analyze the relationship between the City's long-term health care needs and facility planning for medical institutions as part of the Institutional Master Plan and revisions process; clarifying and updating the Institutional Master Plan process through minor changes to generally applicable institutional master plan requirements, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

Recommendations of the Rules Committee

071417 [Settlement of Lawsuit - CCSF v. Michael Levine and What Do We Do? Inc.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Michael Levine and What Do We Do? Inc. for $30,000; the lawsuit was filed on May 26, 2006 in San Francisco Superior Court, Case No. 452-470; entitled City and County of San Francisco, et al., v. Michael Levine, et al.; other material terms of said settlement are that Judgment is to be entered against Michael Levine personally in the amount of $30,000, that payment of $15,000 is to be made at the time of finalization of the settlement of this matter, that the remaining payment of $15,000 is to be in monthly installments over a period of 18 months, and if any payment is late, the entire amount is immediately due, payable and collectible. (City Attorney)

FINALLY PASSED

071459 **[Settlement of Lawsuit - Pacific Gas and Electric Company]**

Ordinance authorizing settlement of the lawsuit filed by Pacific Gas & Electric ("PG&E") against the City and County of San Francisco for $10,000; the lawsuit entitled Pacific Gas and Electric Company v. City and County of San Francisco, et al., Case No. RG-05-246128, was filed on December 9, 2005 in Alameda County Superior Court; other material terms of said settlement are set forth in the Stipulated Judgment and Final Order of Condemnation (and exhibits thereto), contained in Board of Supervisors File No. 071459. (City Attorney)

FINALLY PASSED

071513 **[Settlement of City's Lawsuit Against Dynegy, Inc., Dynegy Marketing and Trade and West Coast Power LLC]**

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $480,000 to the City from defendants Dynegy, Inc. and its affiliates Dynegy Marketing and Trade and West Coast Power LLC. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

071574 **[Adopting findings related to disapproving the Categorical Exemption issued for the 376 Eureka Street project]**

Motion adopting findings related to disapproving the determination by the Planning Department that the 376 Eureka Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

APPROVED by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

Recommendation of the Budget and Finance Committee

071460 **[Easement Modification and Relocation Agreement - University of California Parnassus Heights Campus]**

Resolution approving and authorizing the execution and delivery of an Easement Modification and Relocation Agreement between The Regents of the University of California ("University") and the City and County of San Francisco, acting by and through its Public Utilities Commission (collectively referred to hereafter as the "City"), authorizing the City's acceptance of a Modified and Restated Grant of Easement and Agreement For Expanded Storage Tank Easement, the City's quitclaim of the Existing Storage Tank Easement to the University, the City's acceptance of a Grant of Easement and Agreement For New Pump Station Easement and the City's quitclaim of the Existing Pump Station Easement to the University following completion of the Project; adopting findings of consistency with the General Plan and Eight Priority Policies of Planning Code Section 101.1; and adopting environmental findings. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Board of Supervisors Sitting as a Committee of the Whole

071218 [Charter Amendment - San Francisco Affordable Housing Fund and Public Accountability]
Supervisors Daly, Ammiano, Mirkarimi, Peskin, Maxwell, Sandoval, Dufty, McGoldrick

Charter amendment (Third Draft) to add Section 16.127 to: establish a baseline appropriation and set aside the equivalent of the available annual tax of two and one-half cents ($0.025) on each one hundred dollars ($100) of assessed property tax valuation for the next fifteen (15) years to support affordable housing programs; require the Mayor's Office of Housing, in cooperation with the Department of Public Health and Department of Human Services, to prepare an affordable housing plan every three (3) years and an annual affordable housing budget; affirm City policy urging the Redevelopment Agency to use at least fifty percent (50%) of its tax increment funds for low and moderate income housing; and set an expiration date of July 1, 2024.

The President inquired as to whether any member of the public wished to address the Board members.
Diane Rovai; support of the affordable housing Charter amendment
Bevan Mongrich; support of the affordable housing Charter amendment
The President declared the public hearing closed.

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Charter Amendment be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Charter amendment (Fourth Draft) to add Section 16.127 to: establish a baseline appropriation and set aside the equivalent of the available annual tax of two and one-half cents ($0.025) on each one hundred dollars ($100) of assessed property tax valuation for the next fifteen (15) years to support affordable housing programs; require the Mayor's Office of Housing, in cooperation with the Department of Public Health and Department of Human Services, to prepare an affordable housing plan every three (3) years and an annual affordable housing budget; affirm City policy urging the Redevelopment Agency to use at least fifty percent (50%) of its tax increment funds for low and moderate income housing; and set an expiration date of July 1, 2024.

Continued to January 8, 2008 with the Board Sitting as a Committee of the Whole

Supervisors Maxwell, Sandoval, Dufty and McGoldrick requested to be added as co-sponsors.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

071436 **[Appropriating $33,521,354 of land sales revenue for construction at 525 Golden Gate to the San Francisco Public Utilities Commission for Fiscal Year 2007-2008]**
Mayor

Ordinance appropriating $33,521,354 of San Francisco Water and Wastewater Enterprises estimated land sales revenues from properties including BART land, Petrocchi Brothers property, 425 Mason Street, Muni Transfer at Cesar Chavez, Peter Naughton Easement Transfer, Sea Cliff Lot, Chestnut and El Camino property in South San Francisco, Manzano Way lots in Fremont, PG&E Jefferson Martin Line, and Martin Gaehwhiler property, for costs related to architectural, excavation design services, construction and construction management at 525 Golden Gate Avenue to the San Francisco Public Utilities Commission for Fiscal Year 2007-2008.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071469 **[Accept-Expend Federal Grant - Sheriff's Department]**
Supervisor Alioto-Pier

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance 2007-2008) to reflect the addition of a .50 FTE 8420 Program Rehabilitation Services Coordinator in the Sheriff's Department, and a .50 FTE 2586 Health Worker II and .50 FTE 2803 Epidemiologist in the Department of Public Health, and authorizing the Sheriff's Department to accept and expend a 12-month grant in the amount of $391,556 from the U.S. Department of Health and Human Services for the Women's Integrated Skills (WISH) Project and waiving indirect costs.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071542 **[Accept-Expend Federal Grants - Municipal Transportation Agency]**
Mayor

Resolution authorizing the Municipal Transportation Agency to accept and expend a grant in the amount of $2,740,000 from the Metropolitan Transportation Commission Regional Bicycle and Pedestrian Program for various transportation projects.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071514 **[Prevailing wages for workers on public works/improvement projects; janitorial services; public off-street parking lots, garages, or auto storage facilities; theatrical services; moving services; and hauling solid waste]**

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; (5) workers performing moving services under City contracts at facilities owned or leased by the City; and (6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City. (Civil Service Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071568 **[Appropriating $250,000 Unappropriated Port Operating Fund Balance for Fuel Spill Clean-up Activities in the Port of San Francisco for Fiscal Year 2007-2008]**

Mayor

Ordinance appropriating $250,000 of Unappropriated Fund Balance from the Port Operating Fund to fund fuel spill clean-up by commercial vessels under contract with the Port of San Francisco and under direction of the Cosco Busan Incident Command retroactive to November 10, 2007 in the Port of San Francisco Fiscal Year 2007-2008.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071551 **[Approving Agreement to Implement the Term Sheet between the San Francisco Public Utilities Commission and Modesto Irrigation District for a Long Term Power Sales Agreement pursuant to Charter Section 9.118(a) with a term through June 30, 2015]**

Resolution approving Agreement to Implement the Term Sheet between the City and County of San Francisco, acting by and through its Public Utilities Commission, and the Modesto Irrigation District and authorizing the General Manager to implement the Term Sheet by incorporating the terms thereof into a new Long Term Power Sales Agreement and executing the same. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

070040 **[Department of Elections contract for new voting system]**

Resolution approving the award and execution of a $12.65 million four-year contract by the City and County of San Francisco, through its Department of Elections, to Sequoia Voting Systems, Inc., for the purchase of a new voting system and provision of associated voting services. (Elections Department)

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Ammiano, Daly

Recommendations of the City Operations and Neighborhood Services Committee

070134 **[Golden Gate Park-Authorization to Construct Skate Park]**
Supervisors Mirkarimi, Alioto-Pier

Ordinance making environmental findings and authorizing the creation of a skate park in the block of Waller Street in Golden Gate Park, between Stanyan Street and Kezar Drive, pursuant to Charter Section 4.113.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070508 **[Banning alcohol in children's play areas]**
Supervisors Alioto-Pier, Chu

Ordinance amending Section 4.10 of the Park Code to ban consumption of alcohol in children's play areas.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071089 **[Warning on cough and cold medicine for infants and young children ordinance]**
Supervisors Alioto-Pier, Dufty

Ordinance amending the San Francisco Health Code by adding Article 36, Sections 3601 through 3609, to: (1) require businesses located in the City and County of San Francisco to post point-of-sale warnings on administering cough and cold medicine to infants and children younger than 6 years, and (2) provide penalties for violations.

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved that this Ordinance be PASSED ON FIRST READING AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 1 - Peskin

071482 **[Liquor License - 1870 Fillmore Street]**

Resolution determining that the isuance of a Type 42 on-sale beer and wine public premises license to Kamran Shirazi for Lot61, located at 1870 Fillmore Street (District 5), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4; with conditions.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Land Use and Economic Development Committee

071534 **[Zoning - Interim Moratorium on institutional uses in the Western SoMa]**
Supervisors Peskin, Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi

Urgency Ordinance approving an interim zoning moratorium to prohibit the establishment of new institutional uses in the Western SoMa Planning Area Special Use District for 45 days and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use and Economic Development Committee Without Recommendation

071564 **[Bayview Hunters Point Redevelopment Project Area C Interim Controls]**
Supervisor Maxwell

Resolution adopting interim zoning controls for a period of eighteen (18) months in the area designated as "Area C" in the Bayview Hunters Point Redevelopment Survey Area, an area generally bounded by Jennings Street, Hunters Point Boulevard, Innes Avenue, Earl Street and the San Francisco Bay to require a conditional use permit for all new construction, changes of use, alterations that expand the building envelop and demolitions, except for alterations of a lawfully existing use in the M-1, M-2 or NC-2 zones or the establishment of or a change of use on the ground floor of a principally permitted use in the NC-2 area; specifying criteria to be applied in the evaluation of a conditional use permit application, and adopting findings.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Public Safety Committee

071572 **[Urging the United States Senate to immediately ratify Annex VI of the International Convention for the Prevention of Pollution from Ships]**

Supervisor Sandoval

Resolution urging the United States Senate to immediately ratify Annex VI of the International Convention for the Prevention of Pollution from Ships.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Sandoval, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Alioto-Pier introduced, welcomed and presented Certificates of Honor to individuals in recognition of their efforts in the coordination of the handling of the recent oil spill in the bay:
Deputy Director Lisa Hoffman for Laura Phillips, Deputy Director Vicki Hennessy, Rob Dudgeon, Rob Stengal, Dave Sullivan, Glenn DeCastro, Chief Joanne Hayes-White, on behalf of the Fire Department, Tim Felton, Richard Berman and Andres Acevedo

Supervisor Sandoval introduced, welcomed and presented Certificates of Honor to members of the Latino transgender community.

COMMITTEE REPORTS

071593 [Agreement with King Security Services Inc. for Armed and Unarmed Security Guard Services]
Supervisor Elsbernd

Resolution authorizing a three year agreement, with option to renew for up to an additional two years, with King Security Services, Inc. for an amount not to exceed $17,100,000.

(Fiscal Impact.)

Continued to January 8, 2008

Supervisor Ammiano, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megahed; expressed concern with issues relating to the homeless
James Chaffee; expressed concern with issues relating to the SF Public Library
Female speaker; expressed concern with Falun Gong persecution
Male speaker; expressed concern with Falun Gong persecution
Eugene Gordon Jr.; expressed concern with issues relating to the violations of human right conditions
Dr. Porter; expressed concern with issues relating to safety at Candlestick Point
Richard Mageary; expressed concern with issues relating to building designs and his patent in San Francisco
Silvia Johnson; expressed concern with issues relating to general issues
Carol Blair, Urban Forest Council showed interest in the tree land marking ordinance proposed amendments
Ann Garrision; expressed concern with issues relating the Blue Angels flying in San Francisco
Richard Mead; expressed concern with issues relating the Bule Angels flying in San Francisco
Richard Robinson; expressed concern with issues relating to cooking oil, biodeisel and recycling
Male speaker; expressed concern with issues relating to politicians and city elections
Darryl Jones; expressed concern with issues relating to police brutality
Jose Morales; expressed concern with issues relating to housing for seniors and support for senior housing
Male speaker; expressed concern with issues relating to a City contract for Central City Hospitality House

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

071628 **[Funds to support the HIV Prevention among High-Risk Men in South Africa study]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of $9,429.04 from the University of California, San Francisco (UCSF), to provide technical assistance for the HIV Prevention among High-Risk Men in South Africa (Gauteng MSM Study) to measure the prevalence of HIV risk behaviors and HIV infection in Soweto, South Africa, for the period of November 5, 2007 through April 30, 2008.

ADOPTED

071629 **[Funds to support the Impact Evaluation in Malawi project]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of $31,466 from the University of California, San Francisco (UCSF), the primary contractor, with funds from the World Health Organization, to provide technical assistance and consultation to create a resource manual documenting the triangulation methodology and will participate in the planning of a national Anti-Retroviral Therapy distribution evaluation, for the period of February 1, 2007 through May 31, 2007.

ADOPTED

071631 **[Accept-Expend Corporate Grant - Department of the Environment]**
Supervisor Chu

Resolution authorizing the Department of the Environment to accept and expend grant funds in the amount of $10,000 from the AAA Greenlight Initiative for the purpose of developing, producing and disseminating a brochure on clean air vehicles in English, Spanish and Chinese.

ADOPTED

071632 **[Accept-Expend Two Gifts from the Fidelity Charitable Gift Fund]**
Supervisor Elsbernd

Resolution authorizing the San Francisco Public Library to accept and expend two gifts in the amount of $20,000 and $12,000 respectively from the Fidelity Charitable Gift Fund for the enhancement of the Library's public website.

ADOPTED

071642 **[Commending the work of the US PROStitutes Collective to end violence and criminalization]**
Supervisor Ammiano

Resolution commending the US PROStitutes Collective for the protection of sex workers all over the nation and to end violence and criminalization through organizing.

ADOPTED

071644 **[Drug Conviction/Financial Aid]**
Supervisor Daly

Resolution urging San Francisco Congressional representatives to overturn the provision of the Higher Education Act of 1998 that denies or delays access to financial aid for persons convicted for drug-related offenses.

ADOPTED

071645 [Approving a 90 day extension for Planning Commission review for Conditional Use Authorization for new construction shading existing registered solar energy systems]
Supervisor Mirkarimi

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance that would amend Section 303 to require a conditional use authorization for any new construction that would shade a registered solar energy system, as defined, and provide for the registration of existing and new solar energy systems, and making environmental findings, General Plan findings, and other required findings.

ADOPTED

071646 [Declaration of Election Results]

Resolution declaring the results of the November 6, 2007 Municipal Election. (Clerk of the Board)

ADOPTED

071647 [Accept-Expend $14,826 from the Friends of the San Francisco Public Library]
Supervisor Elsbernd

Resolution authorizing the San Francisco Public Library to accept and expend a gift in the amount of $14,826 from the Friends of the San Francisco Public Library's Main Campaign Fund for public service improvements at the Main Library.

ADOPTED

071650 [Resolution in Support of the Pacheco Pass Alternative for the High-Speed Train System]
Supervisors Peskin, Elsbernd

Resolution urging the California High Speed Rail Authority to adopt the Preferred Network Alternative, Pacheco Pass to San Francisco (via San Jose), for the Central Valley to Bay Area portion of the High-Speed Train system including pursuit of Regional Rail commuter service via the Altamont Pass between Sacramento/Northern San Joaquin Valley and Oakland/San Jose in partnership with local and regional agencies and transit providers.

Supervisor Elsbernd requested to be as added as a co-sponsor.
ADOPTED

071653 [Accept- Expend State Grant - Department of Telecommunications and Information Services]
Mayor

Resolution authorizing the Department of Telecommunications and Information Services to accept and expend a grant in the amount of $49,900.00 from the California Integrated Waste Management Board for the purpose of increasing the Re-Use of Computers and other Electronic equipment in the City and County of San Francisco.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Reference to Committee Agenda

Supervisor Daly requested that this matter be severed so that it might be considered separately.

071643 **[Reinstating 19 union janitors at the new Federal building]**

Supervisors Daly, Ammiano, Mirkarimi, Sandoval

Resolution calling on Exemplar Enterprises to reinstate 19 union janitors at the new state of the art Federal building at 90 7th Street and urging Congresswoman and Speaker of the House of Representatives Nancy Pelosi to call upon the Government Services Agency and Exemplar Enterprises to work to reinstate the janitors at the new Federal building.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071641 **[Condemning the Islamic Republic of Iran for its government-sanctioned policy of executing gay and lesbian Iranians]**

Supervisors Ammiano, Dufty, Mirkarimi

Resolution urging the Congressional Human Rights Caucus to support legislation condemning the Islamic Republic of Iran for its government-sanctioned policy of executing gay and lesbian Iranians and calling on Tehran to adopt a more tolerant culture between gay and lesbian Iranians and greater Iranian society.

Supervisors Dufty and Mirkarimi requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Alioto-Pier, seconded by Supervisor Sandoval, moved ADOPTION of the Purely Commendatory findings. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Alioto-Pier, seconded by Supervisor Sandoval, moved ADOPTION of the Brown Act findings. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071656 **[Commending the Latino transgender community for their advocacy on behalf of the transgender and Latino communities]**

Supervisor Sandoval

Resolution commending the Latino transgender community for their advocacy on behalf of the transgender and Latino communities.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Daly, seconded by Supervisor Elsbernd, moved ADOPTION of the Purely Commendatory findings. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Daly, seconded by Supervisor Elsbernd, moved ADOPTION of the Brown Act findings. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071657 [Commending New Tang Dynasty Television]
Supervisor Daly

Resolution commending New Tang Dynasty Television [NTDTV] for the outstanding achievement in hosting worldwide the most spectacular Performing Arts Celebration "Divine Chinese New Year Spectacular" in San Francisco on January 23, 2008 at the Orpheum Theater.

The proposed Imperative Resolution failed adoption by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, McGoldrick, Peskin, Sandoval
Noes: 1 - Chu
(NOTE: Imperative matters require a unamious vote for adoption.)

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

071581 [Changing the official sidewalk width - Townsend Street]
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1576 to change the official sidewalk width on the northerly side of Townsend Street between 6th and 7th Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1 and requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

(DPW Order No. 177,191)
11/30/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

071612 [Settlement of Eminent Domain Lawsuit Against the City and County of San Francisco]
Ordinance authorizing settlement of the lawsuit filed by Pacific Gas & Electric ("PG&E") against the City and County of San Francisco for $1,088,000.00; the lawsuit was filed on June 6, 2006 in San Francisco Superior Court, Case No. CGC-06-452985; entitled Pacific Gas & Electric Company v. City and County of San Francisco; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation and the Judgment in Condemnation, contained in Board of Supervisors File No. 071612. (City Attorney)
11/27/07, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

071579 **[Approval of Modification No. 1 of Lease and Operating Agreement L-99-0321 with Cathay Pacific Airways, Ltd., at San Francisco International Airport]**

Resolution approving and authorizing the execution of Modification No. 1 of Lease and Operating Agreement L-99-0321 with Cathay Pacific Airways, Ltd., for office space in the International Terminal of San Francisco International Airport. (Airport Commission)

11/29/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071580 **[Approval of Lease Agreement L-07-0255 with Singapore Airlines Cargo Pte., Ltd. at San Francisco International Airport]**

Resolution approving and authorizing the execution of Lease Agreement L-07-0255 with Singapore Airlines Cargo Pte., Ltd. for cargo warehouse and office space in Building 710 on Plot 12 of San Francisco International Airport. (Airport Commission)

11/29/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:18 p.m.

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